



# Supreme Court of Queensland

Annual Report 1999-2000





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The Supreme Court of Queensland  
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CHAMBERS OF THE CHIEF JUSTICE  
SUPREME COURT  
BRISBANE

23 October 2000

The Honourable Matt Foley MLA  
Attorney-General and Minister for Justice  
and Minister for the Arts  
18<sup>th</sup> Floor  
State Law Building  
Cnr George and Ann Streets  
BRISBANE QUEENSLAND 4000

Dear Attorney

I enclose my report, under s 119 of the *Supreme Court of Queensland Act 1991*, on the operation of the Supreme Court for the year ended 30 June 2000.

Yours sincerely

A handwritten signature in cursive script that reads "Paul de Jersey".

The Hon P de Jersey AC  
Chief Justice

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## The Chief Justice's Overview



*The Honourable Paul de Jersey AC  
Chief Justice*

### **Introduction**

The Supreme Court continues with efficiency and dedication to discharge its commitment to deliver justice according to law. The following detailed report amply demonstrates that. In this introductory “overview”, I briefly survey the elements contributing to ensure that commendable level of performance.

The provision of the report is an important form of public accounting. As well as confirming the court’s efficient disposition of its caseload, I have here the opportunity publicly to explain how, given further support, the court could achieve more.

I again say, as last year, that proper funding for the courts of Queensland remains a matter for public concern. I was encouraged last year by the budgetary allocation of \$1.5m (together with “follow up” funding) for technology upgrades in the higher courts. That support has enabled us to begin to catch up other State courts systems.

To illustrate, by the end of this reporting period, there was still only one trial courtroom in Brisbane (of 34 higher courts rooms) equipped for receiving evidence from remote locations by videolink, and we have only one appropriate for taking evidence of children by videolink from outside the trial courtroom, although a further trial courtroom, and the Court of Appeal courtroom, were to be commissioned with these facilities early into the next reporting period (that is, post 1 July 2000). Our judges have now (since February 2000) at last been provided with internet connection and can communicate by e-mail: although regional judges still lack those capacities. These developments are offered as examples of a raft of facilities which should have been in place a long time ago.

We still lag behind other comparable State and Federal courts in many respects. Electronic facilitation of case management, electronic filing of documents, the capacity to conduct major litigation and appeals through electronic formats: these desirable facilities, established elsewhere, are a long way off for Queenslanders. (I later refer to a trial of huge

dimensions where I believe the litigants were inconvenienced by a lack of electronic support.)

The court lacks the resources properly to carry out the rigorous statistical analysis necessary to evaluate the effectiveness of procedures and innovations. It is increasingly necessary to do: to manage court resources efficiently, to be publicly accountable and, not least, to satisfy conditions in order to justify funding. Work the court is able to do with limited resources, such as the jury survey referred to below, illustrates the importance of developing these capabilities.

One particular major fear remains, that business litigation in particular will bypass the Queensland higher courts if those courts cannot keep up with the technology used in day-to-day business transactions.

There is also still no comprehensive plan in place, with assured funding, for redeveloping the fabric of the Supreme Courthouse, which becomes progressively less acceptable measured against a reasonable standard the people might expect to be met for this significant public centre.

What is the answer? State planning must be fully integrated – and visionary. While current Queensland initiatives in the field of biotechnology, for example, are spectacular and fascinating, they cannot stand alone: the barrier-breaking and abstruse legal problems those developments may spawn would ordinarily fall to be resolved by the courts. In short, we need courts fashioned and appropriate to the 21<sup>st</sup> century, not courts just beginning to embrace the technology adopted by other comparable courts in the last decade.

The courts are custodians of the rule of law, the last bastion for the protection of important rights. This third arm of government must be acknowledged for that fundamental significance, and appropriately nurtured by those with the capacity to provide the material sustenance. In addition, a stable and progressive, respected State economy depends on the existence of a healthy and well-resourced judicial system: this is now accepted theory. To focus on the economy, without proper recognition of the judicial system is to ignore a vital part of the overall integrated picture.

I again ask the executive government to adopt a more expansive approach to the funding of the people's court system: let Queensland courts lead, as they should, not follow. Let this part of the administration of a "smart State" assume the progressive presentation for which, in the interests of the people, it pleads.

### **Performance**

The court again performed not just satisfactorily, but very well. In this last year, on the criminal side, the Trial Division, having begun the year with 204 active outstanding cases, ended the year with 184, having disposed of 603 incoming matters. Commendably, 81% of criminal matters were disposed of within six months of commencement (also 81% in the year 1998-1999).

On the civil side of the Trial Division, having begun the year with 143 cases awaiting a hearing (as by trial), the court ended the year with only 83. It is encouraging to compare that position with performance levels in previous years. The numbers of cases outstanding at the end of the years 1996-1997, 1997-1998 and 1998-1999 were respectively, 258, 147

and 143. The court has progressively and substantially improved its level of performance in this area.

In the course of the year, as many as 291 civil cases ordinarily destined for trial entered the system. The position remained this year that virtually all cases ready for trial could be allotted trial dates within two to three months.

The court still regrettably lacks the capacity efficiently to track the progress of cases from commencement to the point of readiness for trial (as mentioned last year), for which further resources, by way of technology and staff, are necessary, a point repeated below.

In addition to this trial work commitment, the court disposed in the usual way of a mass of work in that part of its civil jurisdiction hitherto designated "chambers". Details appear below.

At the appellate level, the Court of Appeal Division disposed of 80% of criminal appeals within six months of commencement. This division of the court heard 356 criminal appeals (383 last year and 354 in 1997-1998). As at the end of the year, 109 criminal matters awaited disposition (comparing commendably with 140 last year).

The Court of Appeal Division heard 260 civil appeals (237 last year) and the number outstanding at the end of the year, 158, a small increase on the 140 outstanding at the end of last year, indicates satisfactory performance. 86% of the civil appeals were disposed of within 12 months (88% last year).

#### *Comparative performance*

It is interesting to compare the Supreme Court's performance with that of other comparable Australian courts. Comparison is possible for the year 1998-1999, because of the Report on Government Services 2000, released in February 2000 by the Steering Committee for the Review of Commonwealth/State Service Provision. In that period, on the criminal side of the Trial Division's work, this court disposed of 93% of its criminal cases within 12 months (70% within 6 months), by contrast with the Supreme Courts of Western Australia (97%), Tasmania (92%), South Australia (89%), Victoria (80%), and New South Wales (22%).

On the civil side of the Trial Division's work, this court's 42% disposed of within 12 months (34% within 6 months), compares unfavourably with Western Australia (83%), Victoria (80%), New South Wales (77%) and Tasmania (66%). This is explained partly by jurisdictional differences and partly by this court's continuing inability, for want of sufficient resources in technology and personnel, to track civil cases adequately from commencement to readiness for trial. Litigants experience minimal delay from readiness for trial to hearing and judgment.

The Court of Appeal Division performed creditably in this period, finalising 56% of matters within 6 months, to be contrasted with Western Australia (50%), Victoria (48%), Tasmania (29%) and New South Wales (23%).

#### *Timelines for dispatch of business*

At their annual pre-Easter seminar, on 20 April 2000, the Judges adopted time goals for the disposition of cases within the court, at both trial and appellate level. Their purpose was, through the provision of more comprehensive information, to provide a better foundation for reliable public assessment, on a regular basis, of the efficiency of the operation of the Supreme Court. A copy of the policy, self-explanatory, is included as appendix 1 to this report, and is available on the Court web site ([www.courts.qld.gov.au](http://www.courts.qld.gov.au))

Throughout the year, the Judges sought assiduously to adhere to their protocol for the delivery of reserved judgments in all but exceptional cases within three months.

#### *Major litigation*

The court determined many major cases this year. Two on the civil side of particular interest may be mentioned.

On 18 August 1999, in *T.P. Sharples v. D.J. O’Shea and P.L. Hanson*, the Hon Justice Atkinson declared that the registration of Pauline Hanson’s One Nation under the *Electoral Act 1992*, as a political party, had been induced by fraud or misrepresentation, and that judgment was subsequently upheld on appeal.

Covering a period of 39 hearing days, the Hon Justice White heard an extremely complicated commercial dispute between *Interchase Corporation Ltd* and others culminating in a 155 page written judgment delivered on 8 February 2000. The massive nature of this litigation may be illustrated by the number of documentary exhibits, 345, and by the extent of the transcript of oral evidence, which covered 2,911 pages. There were 28 witnesses called, and the concluding submissions from the parties covered 617 pages, supplemented by oral argument over three days. The amount in dispute was approximately \$52.5m. The court encourages litigants to use electronic document management but this case exemplified the need to improve the court’s technological facilities.

#### *Survey of jury system*

The Judges are determined to monitor continuously the effectiveness of the court operation. Consistently, on 21 October 1999 pursuant to s 70(9) of the *Jury Act 1995* the Chief Justice authorised the Sheriff to conduct a research project involving the questioning of members or former members of juries, on a confidential basis, with a view to streamlining jury service. This progressive initiative will also facilitate an assessment of the practical impact of the changes brought about by the *Jury Act 1995*. That Act significantly changed the jury system by widening the classes of people available for service and introducing a concept of “pooling”. The research project will span some years.

In the latter part of 1999, the court accordingly conducted a survey of 491 Queensland jurors, to gather information about their level of satisfaction with notices and information provided, and quality of services and facilities, their experience of the empanelment process, and other matters such as the usefulness of trial processes including the Judge’s summing-up, and potential stress impact on jurors. The results showed a fairly high level of satisfaction, while indicating some areas in which, given adequate resources, the court may improve its offering. This was the first time such a survey had been conducted in Queensland. It was an innovative and progressive move, which confirmed the view of the Judges, that the system works well, but importantly identified some avenues for further improvement. The Judges are acutely conscious of sacrifice involved in the performance of jury service, and the State must do its utmost to render the experience of jurors worthwhile and free of undue inconvenience. The survey results are available on the court web site ([www.courts.qld.gov.au](http://www.courts.qld.gov.au)).

#### *Co-operative support of profession*

Working to ensure the most effective delivery of judicial service depends to a substantial extent on the co-operative support of the legal profession.

The Chief Justice’s Consultative Committee, comprising the Chief Justice, the President, the Senior Judge Administrator, together with the Presidents and Executive Officers of the



professional associations, met during the year for discussion of issues relevant to the optimal delivery of legal services in the State.

#### *Practice Directions*

In the course of the year the Chief Justice issued a number of Practice Directions (see appendix 2) covering diverse subject matters designed to streamline the operation of the court in both its criminal and civil jurisdictions.

Practice Directions are issued following a process of consultation involving, if not all the Judges, at least those directly involved in the management of those areas of the court's jurisdiction, and in addition as appropriate from time to time, the Registrar and Sheriff, and representatives of outside agencies, particularly the Director of Public Prosecutions and the Public Defender.

#### **The Court's operation outside Brisbane**

The operation of the court in each of the regional centres run by a resident judge – Rockhampton, Townsville and Cairns, remains particularly effective. The Chief Justice had the opportunity to sit this year at first instance in Townsville, and on an inaugural Court of Appeal sittings in Rockhampton. He also conducted a criminal and civil circuit in Mt Isa, and a criminal sittings in Longreach. The caseload in Cairns especially necessitates, from time to time, additional assistance from Brisbane, and that is provided.

The ability of the resident judges to accommodate their local courts caseloads aside, it is important that those judges have sufficient opportunity to sit also in Brisbane, and that the professions in the regional centres have the opportunity to experience the reasonable (and sometimes different) expectations of other judges. The resident regional judges currently sit in Brisbane for one Court of Appeal sittings per year – that is, three sittings weeks. The Chief Justice would prefer that they sat in Brisbane for an additional month, conducting first instance work perhaps. That would have the corresponding benefit to the local profession already mentioned.

The disadvantage traditionally raised in respect of regional judges sitting alone, without the collegiate support of other members of their court immediately present, is that they may become rather isolated from the court community. It is also beneficial to the court that Brisbane judges experience other court centres and that practitioners in those centres experience the approaches of other judges.

There is therefore a need for funds, not currently available, to facilitate additional sittings in Brisbane for the regional judges, and correspondingly, additional work for Brisbane judges in the three centres of the court previously referred to.

Allied with the goal of delivering justice according to law to all people, is bringing justice to all people, that is, so far as practicable, where they reside.

Apart from the centres where the court primarily sits utilising resident judges – Brisbane, Rockhampton, Townsville and Cairns – the judges as necessary visited other centres throughout the State to ensure the expeditious disposition of caseloads. Those other centres visited this year were Mt Isa, Mackay, Longreach, Bundaberg, Maryborough, Toowoomba and Roma.

It is possible and desirable that judges of the court sometimes visit centres more remote from the places where they reside. The Far Northern Judge, the Hon Justice Jones, for

example, has conducted a criminal sittings on Thursday Island. Such initiatives reach back as far as 1989, when the Senior Judge Administrator, the Hon Justice Moynihan, sat on Murray and Thursday Islands hearing evidence in *Mabo v The Commonwealth*.

Judges of the court (the Hon Mr Justice McPherson and the Hon Justice Williams) continued to provide valuable judicial support to the Solomon Islands, through their membership of the Court of Appeal of the Solomon Islands.

### **Continuing judicial education**

The Judges participated in many processes of continuing judicial education, both individually and collegially, especially through overseas travel utilising the jurisprudential allowance. Two particular examples of further education in Brisbane warrant mention.

On 15 September 1999 the Judges participated in a presentation by forensic scientists from the John Tonge Centre for Forensic Sciences in the Banco Court, covering a range of topics including particularly DNA profiling. Apart from its worthwhile educative aspect, this presentation, with others, shows the evolving role of the Banco Court as not only the venue for admissions, and sittings of the Court of Appeal when the Chief Justice presides, and major court ceremonial events, but as the forum for other events of potential public appeal: educational presentations, student moot court presentations, debates, cultural presentations and the like. This is to be encouraged.

The Judges held their 6<sup>th</sup> Annual Pre Easter Seminar on 19 and 20 April 2000. Presenters included their Honours Justice Davies, Mr Justice McPherson and Mr Justice Chesterman, together with Professor Denis Ong, Associate Professor, School of Law, Bond University; Professor Eric Colvin, Dean, School of Law, Bond University; Dr Des Butler, Assistant Dean, Research, Faculty of Law, Queensland University of Technology; Major General (Digger) James AC MBE MC; and Ms Alison Hunter and Ms Angela Musumeci, Queensland Corrections Department.

### **The Courthouse**

Reference is made above to the regrettable lack of a plan on the part of executive government with necessary funding set in place for the refurbishment, if not redevelopment, of the Supreme Courthouse. The Chief Justice drew attention last year to unsatisfactory aspects of the current condition of the courthouse: they remain largely unaddressed for lack of the necessary financial resources.

Details of positive court initiatives follow.

#### *Display of Gallery art*

The year has seen a range of interesting developments in relation to the Brisbane courthouse. Public corridors of the courthouse were on 30 July 1999 transformed by the hanging of a number of major works of art on loan from the Queensland Art Gallery. These works have adorned otherwise drab and uninspiring areas, unlikely to be improved in the short term in consequence of inadequate government funding. The Gallery's initiative piloted its wish to display part of its collection in major public buildings. The court is immensely grateful to the Director, Mr Doug Hall and his staff for their co-operation in this mutually beneficial endeavour.

### *Rare Books Room*

On 11 February 2000 His Excellency the Governor of Queensland, Major General Peter Arnison AO, officially opened the Supreme Court Library's Rare Books Room, a startlingly innovative structure in the public corridor outside the Banco Court, before an audience of some 260 people including Judges, former Chief Justices, the Attorney-General, a former Governor, consuls, and many other distinguished guests. The construction was generously funded by the Incorporated Council of Law Reporting for the State of Queensland and the Grants Committee of the Queensland Law Society. It provides a home, accessible to the public, for the Library's nationally significant rare books collection, and other interesting items of legal memorabilia. Associated with the room itself are cabinets erected in the corridor to display the robes and regalia of the former the late Mr Justice Jack Lawrence Kelly, CBE RFD, generously donated by his family.

The opening was followed by an oration delivered by the Right Hon Sir Harry Gibbs, GCMG AC KBE, former Chief Justice of Australia, and a dinner attended by His Excellency, Sir Harry, and their wives and many Judges and spouses and professional representatives.

These were events of major significance in the life of the court, the establishment of the new facilities within the public corridor signalling yet again the opening up of the court to the public. As the Chief Justice said at the opening: "We regard these books as evidencing the roots of our current legal wisdom, the robes as an important signification to the people of the dignity of their courts. We have rendered them accessible. They can be scrutinised, assessed, evaluated at close quarters – indeed like almost every aspect of today's judicial role. We have facilitated that assessment by placing these beautiful treasures in a modern context; and likewise we Judges today strive to render justice more accessible, we strive to render justice according to law more currently comprehensible."

The Chief Justice acknowledges a recent reassuring commitment by executive government to the proper funding of the Supreme Court Library Committee, necessary for its effective support of the litigating public, the courts and the profession. The Library is a most vibrant part of the organisation, as emerges clearly from its section of this report.

### *The Lucinda Project*

The Supreme Court Library Committee has successfully applied to the Centenary of Federation Committee (Queensland) for a grant under its Community Grants Programme of finance to facilitate the construction on the 2<sup>nd</sup> floor public corridor, at the other end from the Rare Books Rooms, of a replica of the smoking room of the Queensland Government vessel *Lucinda*, in which substantial drafting of the Commonwealth Constitution took place, by a group including Queenslanders Sir Samuel Griffith and the Hon Andrew Thynne. This exciting initiative, due for completion in the constitutionally significant year 2001, and attracting financial support from the legal profession, will be primarily educative in thrust, a source of stimulation to the constant stream of visitors to the court, especially school students.

### *Diversity of use of Courthouse*

The courthouse is used increasingly for events other than formal court hearings. For example, on International Women's Day, 8 March 2000, a well attended reception in the court restaurant celebrated the role of women in the law, with an address by Ms Julie Dick SC, the Parliamentary Criminal Justice Commissioner.

The courtrooms themselves are used substantially out of ordinary court hours for mooted competitions, advocacy training courses conducted by external non-profit organisations, lectures, seminars and the like.

The diversity of public usage now allowed for the Banco Court itself is illustrated by the launch by the Chief Justice on 6 October 1999 of two books, "Beyond the Adversarial System" and "Educating Lawyers for a Less Adversarial System" published under the auspices of the Key Centre for Ethics, Law, Justice and Governance at Griffith University.

#### *Other gifts*

On 22 August 1999 the court was delighted to receive a Graham Inson portrait of former Chief Justice the Hon Sir Charles Wanstall (July 1977 to February 1982). The court acknowledges the gracious generosity of the late Sir Charles and his daughter, Mrs Jon Dalrymple. This valuable and much respected portrait forms an important part of the judicial heritage of this State which vests in the public.

#### *Webpage (www.courts.qld.gov.au)*

The court has actively maintained a comprehensively informative webpage, detailing the composition and operations of the court, and highlighting interesting progressive developments. As the Judges seek to render the courthouse a more interesting public edifice of major significance, so they seek to engender more acute public appreciation of the role of the judiciary as the third arm of government. The webpage facilitates that process. The extent of visits to the page confirms lively interest in the operation of the court.

Details of expenditure on travel by Judges over this year were on 18 September 2000, posted on the court's webpage.

#### *Media liaison support*

The superior courts still lack the services of a media liaison officer. Despite requests over some years, the executive government still fails to find the comparatively small amount of funding which would be necessary to provide this publicly beneficial facility – yet another example of the paucity of its real concern about properly supporting the court system.

### **Chief Justice's sitting commitment**

Together with a substantial administrative load and many official commitments, the Chief Justice maintained his commitment to sit in court at first instance and appellate levels, both in and outside Brisbane. Details of his sittings outside Brisbane – in Cairns, Townsville, Mackay, Rockhampton, Mt Isa and Longreach, aggregating three weeks, appear in the following section. In Brisbane, he sat additionally for 17 weeks in the Court of Appeal, five weeks in criminal sittings, two weeks in civil sittings, and two weeks in the "Chambers" jurisdiction, reflecting overall a greater sittings commitment than last year.

#### *Chief Justice's State travel beyond Brisbane*

The Chief Justice continued to fulfil his public commitment to visit regularly centres at which the court sits outside Brisbane, to sit, to monitor court performance and assess needs, and for exchange with local legal professions and civic communities. Chronological details follow.

On 20 August 1999 he attended the Annual General Meeting of the Sunshine Coast Law Association, and addressed some 70 members of that Association on then currently significant issues.

In the week commencing 30 August 1999 he conducted a murder trial in the circuit court at Longreach. This appears to have been the first occasion on which the State Chief Justice has sat in the circuit court at Longreach. It was greeted by the regional community as an event of considerable civic significance.

Over the period 26 September 1999 to 3 October 1999 the Chief Justice visited Cairns, Townsville and Mackay, sitting in court at each centre, and meeting with the local legal professions, and finally, attending the North Queensland Law Association's annual conference at Laguna Quays at which he delivered a paper.

From 8-10 October 1999 he attended at Yeppoon the annual conference of the Central Queensland Law Association.

On 28 April 2000, together with the President of the Court of Appeal and the Chief Judge of the District Court and the Chief Stipendiary Magistrate, the Chief Justice represented the State's judiciary at openings by the Hon the Attorney-General of new "Community Justice Centres" at Kowanyama and Bamaga, and was privileged to have the opportunity to address the Aboriginal and Islander communities at those centres. The Chief Justice saw this visit as importantly symbolic of the dedication of the judiciary to the delivery of justice to all Queenslanders, while acknowledging the especially difficult social circumstances which substantially impede, if not plague, ordinary social development in those particular parts of the State.

On Friday 19 May 2000 a valedictory ceremony to mark the retirement of the Hon Justice Demack, Central Judge, was held in Brisbane. That marked His Honour's completion of more than 22 years service in that capacity. A valedictory ceremony was held in the Supreme Court at Rockhampton on Thursday 18 May. Attending that ceremony in Rockhampton the Chief Justice took the opportunity with the President, Justice McMurdo, to convene on the two preceding days a sittings of the Court of Appeal, being the first time an appeal bench of this court had sat in the City of Rockhampton or the Central District.

In the week commencing 29 May 2000 the Chief Justice conducted a criminal and civil sittings of the Supreme Court at Mt Isa. This was, again, apparently the first occasion on which the State Chief Justice had sat in court at Mt Isa.

### **International visitors**

The Judges have this year welcomed to the court many international visitors. These visits, increasing in frequency, are mutually beneficial. Details follow.

On 16 September 1999 Justice Mohamed Yousef Al-Refai, Chief Justice of Kuwait, together with five judicial and administrative officers from Kuwait, visited the Supreme Court, and joined in a program not infrequently these days provided for official visitors to the court, including sitting in on court hearings, watching the court's progressive "Jurors' Video", witnessing a demonstration of "real time" reporting staged by the State Reporting Bureau, viewing the court's collection of artwork, and having the opportunity for informal exchanges of views with the Judges of this court in a social context.

On 20-21 September 1999 the court was honoured by the visit of Chief Justice Yilong Teng of the Supreme Court of Shanghai with other senior Shanghai judicial officers. The Chief Justice hosted a State Dinner in their honour, with other Judges of the Supreme Court of Queensland, at the Executive Building on 20 September and the delegation visited the Supreme Court on 21 September.

For the week commencing 20 March 2000 His Honour Mr Yoshiki Matsutani, a Judge of the Tokushima District Court, Japan, visited the Supreme Court, and on 2 May 2000, Judge Fumio Daizen of the Hiroshima High Court.

#### *International visits*

The Judges continue usefully to employ the jurisprudential allowance beneficially in the public interest.

In November 1999, as guest of the Japanese Ministry of Foreign Affairs, the Chief Justice visited Japan, meeting with the Chief Justices of the Supreme Court of Japan, and the Tokyo High and District Courts, sitting in on court hearings (with the aid of interpreters) and visiting the Tokyo Legal Training and Research Institute. This visit was significant in large part for its being the first occasion on which the Chief Justice of Queensland has in Japan made official contact with senior members of the Japanese judiciary, and thereby overlaid the predominantly trade based relationship this State has to this point had with the Japanese nation.

#### **Judicial retirements and appointments**

Valedictory ceremonies marking the retirement of three members of the court following many years of distinguished service were held in Brisbane in the course of this year, the Hon Mr Justice Shepherdson on 10 March, the Hon Mr Justice Derrington on 4 April and the Hon Justice Demack on 19 May.

On 20 March, 2000 the Hon Justices Dutney, Mullins and Holmes were sworn in as Judges of the Supreme Court. The Hon Justice Dutney, while sitting initially in Brisbane, was appointed as Central Judge to replace the Hon Justice Demack upon his retirement on 19 May 2000. The Hon Justices Mullins and Holmes replaced the Hon Justices Shepherdson and Derrington.

#### **The criterion for appointment**

The year was punctuated by public debate about the process of appointment to the bench. While that is worthwhile, publicly questioning the quality of current members of the court has the potential to erode the public confidence on which the authority of the judgments of the court depends. To inform the people and guide executive government the Chief Justice accepted in February the "Courier-Mail's" invitation to write an article on the subject for publication. The views he expressed drew substantially on a statement which emanated from the Judges' 1999 pre-Easter seminar. Because it therefore may be seen as commanding the substantial support of the Judges, a copy of the article is attached as appendix 3 to this report. The Chief Justice hopes it may become a helpful "point of reference" for Executive Government.

#### *Appointment of Judges' Associates*

Early in the year 2000 there was some expression of public interest in the manner in which Judges appoint Associates. In February 1999 the Judges of this court had formally adopted

a protocol. A copy of that protocol in its current form (incorporating further refinements introduced by the Judges in June 2000) forms appendix 4 to this report.

### **Personal**

The Hon Marcus Bertram Hoare CMG, a much respected Judge of the court who served from 1966 to 1980, died on 11 July 1999.

The Hon Sir Charles Gray Wanstall, a Judge of the court from 1958, Senior Puisne Judge from 1971 to 1977, and Chief Justice from 1977 to 1982, died on 17 October 1999. His funeral service at St John's Cathedral was attended by the Judges and members of the legal profession, representatives of the Parliament and the Executive, together with many members of the public, and the Chief Justice delivered the eulogy. His distinguished contribution as a Judge of the court for twenty-four years, and Chief Justice of Queensland for five, was acknowledged with appropriate expressions of respect and gratitude.

The court community suffered a tragic loss in August 1999 with the untimely death of Mrs Lorraine Moynihan, wife of the Hon Justice Moynihan, SJA. Mrs Moynihan contributed in many ways, substantially and valuably, over many years, to the social cohesion of Brisbane's judicial and legal communities, and it is fitting that her contribution now be officially recorded in this way, with profound gratitude. It is not irreverent to note that one of her last wishes was fulfilled – John Eales' Wallabies won the World Cup.

### **Conclusion**

The Chief Justice warmly thanks the Judges, officers of the Registry and the court's administrative staff, for their dedicated, enthusiastic commitment to the discharge by the court of its significant function. The year has been marked by a very substantial collegial effort which has greatly advanced the public interest, and is much appreciated.

## Composition of the Court

The Supreme Court comprises the Office of the Chief Justice and two Divisions, the Court of Appeal and the Trial Division.

**Chief Justice**      The Honourable Paul de Jersey, AC

### Court of Appeal Division

**President**    The Honourable Margaret Anne McMurdo

#### Judges of Appeal

The Honourable Geoffrey Lance Davies	)	
The Honourable Bruce Harvey McPherson, CBE	)	of the same
The Honourable Cecil William Pincus	)	seniority
The Honourable James Burrows Thomas, AM	)	

### Trial Division

The Honourable Martin Patrick Moynihan  
(Senior Judge Administrator)

The Honourable Alan George Demack  
(retired 19 May 2000) (Central Judge, Rockhampton)

The Honourable Tom Farquhar Shepherdson  
(retired 10 March 2000)

The Honourable Glen Norman Williams  
The Honourable Desmond Keith Derrington  
(retired 4 April 2000)

The Honourable Brian William Ambrose  
The Honourable Kenneth George William Mackenzie  
The Honourable John Harris Byrne RFD  
The Honourable Margaret Jean White  
The Honourable Keiran Anthony Cullinane  
(Northern Judge, Townsville)

The Honourable Henry George Fryberg  
The Honourable John Westlake Barrett Helman  
The Honourable John Daniel Murray Muir  
The Honourable Stanley Graham Jones  
(Far Northern Judge, Cairns)

The Honourable Richard Noel Chesterman RFD  
The Honourable Margaret Anne Wilson  
The Honourable Roslyn Gay Atkinson  
The Honourable Robert Ramsay Douglas RFD  
The Honourable Peter Richard Dutney  
(appointed 16 March 2000) (Central Judge, Rockhampton)

The Honourable Debra Ann Mullins  
(appointed 16 March 2000)

The Honourable Catherine Ena Holmes  
(appointed 16 March 2000)



## **Tribunal Appointments**

President, Industrial Court	The Honourable Martin Patrick Moynihan (to 12 July 1999) The Honourable Glen Norman Williams (12 July 1999 to 2 August 1999)
Mental Health Tribunal	The Honourable Richard Noel Chesterman
Medical Assessment Tribunal	The Honourable Henry George Fryberg
Chair, Law Reform Commission	The Honourable John Daniel Murray Muir
Land Appeal Court	The Honourable John Daniel Murray Muir (Southern District) The Honourable Alan George Demack (retired 15 May 2000) (Central District) The Honourable Kieran Anthony Cullinane (Northern District) The Honourable Stanley George Jones (Far Northern District)



*Judges of the Supreme Court*



## Court of Appeal division

### Workload

This year 765 matters were commenced in the Court of Appeal compared with 839 matters the previous year and 744 in 1997-1998.

Six hundred and sixteen (616) matters were heard and a further 165 matters were withdrawn, disposing of a total of 781 matters. Interestingly, these figures demonstrate that the actual workload of the Court of Appeal this reporting year was very similar to that in 1998-99 when 620 were heard but a larger number, 210, were withdrawn; this demonstrates a sustained increase in workload from the 1997-1998 year when only 563 matters were heard and 178 withdrawn. There seems no apparent reason for the smaller number of matters withdrawn this year. Withdrawn matters are not calculated in the tables below.

**Table 1: Annual caseload, criminal matters**

Number of cases	1997-98	1998-99	1999-00
At start of year	109	115	140
Commenced during year	457	514	404
Cases heard	354	383	356
Undisposed of at end of year	115	140*	109

\* Adjustment made to 1998-99 figure due to finalisation of data

**Table 2: Annual caseload, civil matters**

Number of cases	1997-98	1998-99	1999-00
At start of year	150	151	143
Filed during year	287	325	361
Cases heard	209	237	260
Cases unheard at end of year	151	143*	158

\* Adjustment made to 1998-99 figure due to finalisation of data

**Table 3: Annual caseload, summary**

Number of cases	1997-98	1998-99	1999-00
At start of year	259	266	283
Filed	744	839	765
Heard	563	620	616
Judgments delivered	563	607	628
Cases unheard at end of year	266	283*	267
Judgments outstanding at end of year	26	39	27

\* Adjustment made to 1998-99 figure due to finalisation of data

Thirty five percent of criminal matters were disposed of in less than three months and 99% within 12 months.

Thirty six percent of civil matters were disposed of in less than three months and 86% within 12 months.

**Table 4: Age of cases disposed of\***

Time for disposition	Percentage disposed of	
	Criminal	Civil
<3 months	35%	36%
3-6 months	45%	18%
6-12 months	19%	32%
>12 months	1%	14%

\* This table includes where judgment was delivered *ex tempore* and reserved judgments.

The court has disposed of 80% of its criminal cases compared to 89% last year and 54% of its civil cases compared to 56% last year within six months. This still compares favourably with the Benchmark adopted by the Court in appendix 1. In both civil and criminal caseloads, the court met its Benchmark in the disposal of cases within twelve months.

**Table 5: Judgments, criminal matters**

Judgments	1997-98	1998-99	1999-00
Outstanding at start of year	26	13	19
Reserved	159	153	141
<i>Ex tempore</i> judgments delivered	208	230	215
Reserved judgments delivered	146	147	150
Outstanding at end of year	13	19	10

**Table 6: Judgments, civil matters**

Judgments	1997-98	1998-99	1999-00
Outstanding at start of year	32	13	20
Reserved	161	140	148
<i>Ex tempore</i> judgments delivered	67	97	112
Reserved judgments delivered	142	133	151
Outstanding at end of year	13	20	17

**Table 7: Time between hearing and delivery of reserved judgments**

Type of case	Median number of days		
	1997-98	1998-99	1999-00
Criminal cases	38	23	28
Civil cases	39	25	38
All cases	39	24	34

This table shows the median times between hearing and delivery of reserved judgments. It demonstrates the Court's sustained commitment to the timely delivery of reserved judgments.

The tables demonstrate that the Court is performing favourably against the Benchmark for disposition of cases adopted in April this year which is set out in appendix 1.

Table 8 below shows the court in which matters filed were commenced.

**Table 8: Court in which matters were commenced**

Court	Number of matters filed	
	1998-99	1999-00
Trial division – civil	155	188*
Trial division – criminal	125	89*
District Court – civil	150	150
District Court – criminal	386	314
Planning and Environment Court	10	14
Other – civil (cases stated, tribunals etc)	5	9
Magistrates Court – criminal	1	0
Other – criminal	2	1

\* These statistics include circuit court matters.

The incidence of appeals from the civil jurisdiction of the Trial Division has increased moderately whilst civil appeals from the District Court have remained constant. There has

been a significant decrease in the number of criminal appeals from both the Trial Division and the District Court.

The types of appeals filed during the year are shown in Table 9 below.

**Table 9: Types of appeals filed**

Appeal type	1997-98	1998-99	1999-00
<b>Civil</b>			
• general including personal injury	190	201	216
• applications	39	74	139*
• leave applications	27	38	
• planning and environment	20	7	
• other	11	5	6
<b>Criminal</b>			
• sentence applications	238	276	192
• conviction appeals	59	65	73
• conviction and sentence appeals	66	62	47
• extensions (sentence applications)	18	30	11
• extensions (convictions appeals)	17	11	15
• extensions (conviction and sentence)	9	11	7
• sentence appeals (A-G/C'wth DPP)	36	40	42
• other	14	14	17

\* In previous years planning and environment appeals were classified independently, but they are currently by way of applications for leave to appeal to the Court of Appeal.

The number of unrepresented litigants shown in Table 10 below has remained proportionally significant.

**Table 10: Matters heard where one or both parties unrepresented**

	1997-98	1998-99	1999-00
Civil	20	47	68
Criminal	74	102	89
<b>TOTAL</b>	94	149	157

#### **Court of Appeal Pro-Bono Scheme**

For some years now there has been a significant number of unrepresented litigants in the Court of Appeal. The Judges of Appeal have been concerned that litigants who have been refused legal aid, especially those convicted of murder or manslaughter and therefore subject to the longest period of imprisonment, may be disadvantaged in the presentation of

their appeals. The President and the Hon Mr Justice Pincus (who initially suggested the concept) met with Committee of the Bar Association of Queensland and the following scheme was developed with the additional support of the Queensland Law Society. The President invited a number of experienced criminal law barristers to place their names on the Court of Appeal's Pro Bono list; their generous positive response was overwhelming. When an appellant has been convicted of murder or manslaughter and has been refused legal aid, the Senior Deputy Registrar (Appeals) invites the appellant to take part in the scheme. If that invitation is accepted, the Senior Deputy Registrar (Appeals) contacts a barrister on the Court's list. That barrister, perhaps with the assistance of his or her pupil or another junior barrister, may not require an instructing solicitor, the appeal record book in effect providing a sufficient brief. If an instructing solicitors' firm is needed, the barrister will approach an appropriately experienced firm of solicitors and request them to act; alternatively the President will contact the President of the Queensland Law Society who will arrange for an experienced firm of solicitors to act. All practitioners offer their services without charge. The scheme should help to ensure that the real issues in these serious cases are placed before the Court of Appeal resulting in greater access to justice for those most at risk. The first Pro Bono Appeal was heard on 14 July 2000; just outside this reporting year. The Court sincerely thanks the public spirited barristers who have agreed to take part in this scheme; their names appear below:

*Court of Appeal Pro Bono List (as at 3 August 2000)*

Boddice, David	Griffin QC, John	Macsporrnan, Alan
Burns, Martin	Griffin SC, Milton	Martin SC, Terry
Callaghan, Peter	Glynn SC, Tony	Martin, Frank (Toowoomba)
Devlin, Ralph	Johnson, Mark	Nolan, Peter
Durward SC, Stuart (Townsville)	Keim, Stephen	Rafter, Tony
Farr, Bradley	Kimmins, Tony	Richards, Peter
Gaffney, Paul	Long, Gary	Ryan, Tim
Gardner, Terry	MacGroarty, Kelly	Thomas, Barry

## **Organisation of Work**

The exercise of accrued leave entitlements by all the Judges of Appeal has reduced the number of available Judges of Appeal for significant periods during the year. Similar patterns of leave can be expected and must be planned for in future years. Additionally this year one Judge of Appeal was unavailable to sit for three weeks as he was appointed an Acting Judge in New South Wales together with two other Acting Judges, one from Victoria and one from Western Australia. A litigant in the New South Wales case on which they sat was a recently appointed member of that Court. It was therefore preferable for interstate appellate judges to constitute the Court. The government of New South Wales paid the Queensland judge's salary during his period as Acting Judge. Although the New South Wales Court offered to provide one of its Judges in exchange this was not lawfully possible because of the repeal of legislation in 1991; it is hoped this will be legislatively remedied in the near future so that the Court can benefit from such an exchange where appropriate. Whilst the Court was most willing to assist the New South Wales Court, the

absence of one of only five Judges of Appeal placed an added workload on the remaining judges.

The Court of Appeal has continued to rely on regular assistance from Trial Division Judges who provided 40 judge weeks to the Court of Appeal in 1999/2000 compared with 42 weeks in both 1998/1999 and 1997/1998. It is desirable for Trial Division Judges to contribute their particular experience to the Court of Appeal. Normally every Trial Division Judge will sit on the Court of Appeal for a three week period each year. The consistent increase in the number of appeals heard by the Court of Appeal over the last two years and the exercise of leave entitlements by Judges ensure that the Trial Division Judges continue to play a substantial role. Without their assistance the Court of Appeal could not continue to sit its usual five days each week; indeed, the lack of provision of Trial Division Judges during the week commencing 19 June 2000 meant that the Court of Appeal could sit for only three days instead of the usual five.

The Court of Appeal sat for 41 weeks during the year. As in 1998/1999 the Court sat during one week of its traditional winter vacation but this year for only three days because of the limited availability of Judges; those Judges will take compensating leave at other times during the year. Ordinarily the Court comprises three Judges;<sup>1</sup> when there are six Judges available, each will ordinarily sit eight days in each three week period. The efficient disposition of the Court's matters relies heavily on the prepared written outlines of argument. A Court of Appeal Judge's workload comprises far more than the time spent in Court hearing cases. It must be appreciated that the preparation of the appeals and the writing of judgments, especially in long and complex cases, is demanding and sometimes requires many days of careful work. In addition, the Judges often give freely of their time, including leave periods, to lecture, address or attend conferences, seminars and workshops for the benefit of the Court, the profession and the public. Leave periods are often spent writing judgments.

The Court usually hears 15 criminal conviction appeals, 10 to 12 civil appeals and up to 35 criminal or civil applications in each three week period. When Trial Division Judges are rostered to sit, they then generally have a week out of Court in which to write their judgments. The Judges of Appeal do not usually take judgment writing time in that way and will ordinarily commence the next three week routine immediately. The Judges of Appeal were however allocated four weeks and two days for judgment writing during periods when the Court was not sitting.

The established practice of the President delegating responsibility for case management including preparation of the daily court list to the Senior Deputy Registrar (Appeals) remains. Ms Robyn Hill continues in her role this year as Senior Deputy Registrar (Appeals). In her recent absence on extended leave from 1 November 1999 to 12 May 2000 Ms Maree Liessmann, the Court Research Officer, acted in the position of Senior Deputy Registrar (Appeals). Ms Hill and Ms Liessmann effectively performed that task making most necessary decisions in consultation, where appropriate, with the President or other Judges of Appeal. The President has undertaken judicial case management of those

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<sup>1</sup> In order to clarify an issue on which diverging judicial statements had been made when a court of five Judges sat in *Schiliro v Peppercorn Child Care Centre* [2000] QCA 18, Appeal No 9460 of 1998, 11 February 2000.



appeals where one or both parties have consistently failed to meet time guidelines or where judicial intervention was otherwise necessary.

## **Registry**

The Appeals Registry staff have again provided excellent service to the Court despite the very trying circumstances under which they have worked this year. Difficulties in the redevelopment of the Court of Appeal Case Management System (CAMS) have placed a very heavy burden upon Registry staff. The Registry has inadequate storage space for the large amount of paperwork generated and unsuitable desks and workstations. The present accommodation area cannot provide for a much needed additional staff member. It is also concerning that staff have no designated toilets; they are forced to use either the courts' wheelchair access toilet (which should be kept free for those who genuinely require wheelchair access) or the public toilets. The use of these toilets raises security issues as disgruntled or unbalanced litigants may pose a risk to Registry staff.

## **Judgments and Catchwords**

The Court of Appeal judgments have been available free of charge on the Internet through AUSTLII since November 1998. Court of Appeal judgments from 2000 onwards are also available on the Internet through the Queensland Courts Online Judgments Service.

The Court of Appeal has adopted the AIJA recommendations as to the electronic reporting of judgments. Ms Maree Liessmann, Court Research Officer, and Ms Lynley Jorgensen who acted in that position whilst Ms Liessmann was Acting Senior Deputy Registrar (Appeals), have co-ordinated the preparation of cover sheets to the Court of Appeal judgments.

Mr Justice Pincus's Associate continues to prepare, under the Judge's supervision, helpful brief outlines of judgments delivered in the Court of Appeal which are published on the Court of Appeal Home Page and circulated in hard copy to interested Queensland Judges and Magistrates, as well as the Law Society, the Bar Association and other interested organisations. These outlines are published in *Proctor*, the journal of the Queensland Law Society Inc.

The Court Research Officer has liaised with LawNow on the preparation of its commercial database of Court of Appeal judgments (Caseline) since June 1999; Court of Appeal judgments from 1992 will be added to the database in the future. The Court of Appeal Judges now have access to this searchable judgment database free of charge through the Judicial Virtual Library.

## **Information Technology**

### **Court of Appeal Case Management System (CAMS)**

As has been noted, the redevelopment of CAMS did not proceed entirely smoothly. Ms Elizabeth Knight was appointed as a part-time Senior Deputy Registrar from 31 May to 17 September 1999, to allow Ms Hill more time to work with those carrying out the redevelopment. The original CAMS was made Y2K compliant during the first half of this reporting year. Despite prophecies of doom, January 2000 passed by the Court of Appeal and CAMS without incident. The re-development of CAMS, which at first appeared to

progress most satisfactorily, stalled in the second half of the year upon its implementation when its slow and unsatisfactory performance initially placed undesirable pressures upon Registry staff. For example, CAMS was unable to provide the Judges with reliable statistics as to the Court of Appeal's performance from January until May 2000. These difficulties have now been resolved by the provision of new computers for Registry staff, by fixing bugs and making necessary system changes. The Registry staff and the Judges have worked together to redefine the counting rules for statistics. Registry staff have identified useful further refinements to maximise the potential of the redeveloped system. The Court thanks the Director-General, Ms Macdonnell and the Court Administrator, Ms Bronwyn Jolly, for their ongoing financial and practical support in this redevelopment.

Adequate funding for the maintenance and refinement of the re-developed CAMS in the next financial year is essential to maintain the efficient performance of the Court of Appeal.

### **Electronic filing and appeal books**

The re-developed CAMS system has the capacity for expansion to permit future electronic filing. The re-development of CAMS and the regrettable pressure placed on Registry staff has resulted in a lack of financial and other resources to progress the implementation of electronic filing and appeal books. The Court remains cognisant of the recommendations of the Working Party of the Council of Australian and New Zealand Chief Justices' Electronic Appeals Project and hopes in a future appropriate case, with proper funding, to pilot a prototype electronic appeal book. The President has attended a demonstration of electronic court books and has visited electronic courts both in Sydney and in New York. Time and cost savings of about 25% have been reported through the electronic hearing of appropriate cases.

For the moment Queensland is behind other States in this area but looks forward, with appropriate resources, to meeting this exciting future challenge.

### **Audio and Video link**

During June 2000 the Court of Appeal on the fifth floor of the Law Courts Complex was fitted with audio and video link equipment for the hearing of applications or appeals in suitable civil or criminal matters. This should greatly improve access to justice and decrease costs for litigants outside Brisbane who use the facility.

### **Computers**

The Judges of Appeal have personal computers with access within their chambers and elsewhere to the Internet via the University of Queensland to legal resource materials and external e-mail. The associates to the Judges of Appeal, the Court Research Officer and the Senior Deputy Registrar (Appeals) have access to the same material from rooms in the Court of Appeal precinct.

Efforts have been made to improve the standard of information technology support provided to the Judges of Appeal this reporting year. The Judges have taken advantage of training provided by the Supreme Court Library as to use of the Judicial Virtual Library, the GroupWise network and Caseline. The value of the Judges' personal computers should further improve once CITEC enables access anywhere in the State to the additional useful

research material available through the Judicial Virtual Library, presently only accessible in chambers.

The Court of Appeal's access to its own case database became corrupted in November 1998 and has never been corrected because of insufficient funding. The Court of Appeal now has free searchable access to its database of Court of Appeal judgments delivered since June 1999 through the commercial enterprise LawNow (Caseline). That database will be extended to include all Court of Appeal judgments delivered since 1992.

Whilst the Court of Appeal's information technology has remained less than satisfactory during 1999/2000, the problems are being addressed and future prospects seem positive.

### **Inaugural Court of Appeal Sittings, Townsville**

The inaugural Court of Appeal sittings in Townsville was held from the 26-30 July 1999.

The Court heard 17 matters during that week, 12 criminal and five civil. Seventeen barristers, some appearing in multiple matters, appeared before the Court of Appeal in Townsville. Eleven of those barristers or 65% were from North Queensland and six or 35% were from Brisbane. The Brisbane barristers each appeared in only one matter, whereas six of the Townsville barristers appeared on more than one matter. Twenty seven firms of solicitors instructed counsel on matters before the Court of Appeal during that week, including the Commonwealth Director of Public Prosecutions, the Queensland Director of Public Prosecutions, the Legal Aid Office, seven Townsville firms, two Far North Queensland firms, two Brisbane firms and the Anti-Discrimination Commission. In 74% of matters North Queensland solicitors' firms were involved. In addition, there were four self-represented applicants or appellants. This historic five day inaugural sittings in Townsville was enthusiastically received. The advantages of the Circuit were -

- an opportunity for North Queenslanders to observe the justice system in their own community;
- an opportunity for North Queensland barristers and solicitors to appear before the Court of Appeal;
- an opportunity for those interested North Queensland practitioners not involved in matters before the Court of Appeal to observe the conduct of matters before the Court;
- case reporting opportunities for North Queensland law students;
- less expensive access to the Court of Appeal for applicants and appellants including those who are self-represented;
- in the case of *R v Babsek; ex parte Attorney-General* ([1999] QCA 364; CA No 213 of 1999, 7 September 1999) an opportunity for the family of the victim to be present at the Attorney-General's appeal against sentence.

### **Inaugural Court of Appeal Sittings, Rockhampton**

As the Chief Justice, the President and their Honours Justices Demack and Dutney were present in Rockhampton for a sittings of the Court on Justice Demack's retirement, the Court decided to take advantage of this rare opportunity to conduct a short sittings of the Court of Appeal. This took place on 16 and 17 May 2000.

Of the seven criminal matters heard a Brisbane prosecutor appeared in three matters and a Rockhampton prosecutor in four matters; two appellants were self-represented and the remainder were represented by Brisbane counsel. As to the two civil matters, one Rockhampton counsel and three Brisbane counsel appeared.

As in Townsville, the circuit was warmly received by the local community and similar advantages were perceived.

### **Inaugural Court of Appeal Sittings, Cairns**

The Court of Appeal has been provided with sufficient funding to sit in Cairns in October 2000; the sittings remain dependent on the setting down of sufficient court work.

### **Conclusion**

The Court of Appeal Division continued to dispose of its caseload efficiently this year and to meet its published time goals for disposition of cases.

The President thanks all who have helped achieve these pleasing levels of performance, especially the Chief Justice, who, despite his otherwise heavy workload, has continued to sit regularly in the Court of Appeal, the Judges of Appeal, the Senior Judge Administrator for his co-operation in making Trial Division Judges available, the Trial Division Judges who have assisted in the Court of Appeal, the Court Administrator, Ms Bronwyn Jolly, the Senior Deputy Registrar (Appeals) Ms Robyn Hill and her staff, the Court Research Officer and all Judges' Associates and Secretaries.

The Court acknowledges the practical and financial support of the Director-General, especially in the field of information technology and in the undertaking of Court of Appeal sittings outside Brisbane.

The otherwise heavy workload of the Chief Justice may mean he is unable to sit in the Court of Appeal in the future as regularly as he has in past years. The exercise of leave entitlements by Judges of Appeal and any depletion in the provision of Trial Division Judges may mean that an additional Judge of Appeal will soon be required if the Court is to maintain its present position.

Whilst steady progress has been made as to the provision of information technology and support in the Court of Appeal, much remains to be done in that field to maintain the Court's efficient performance in delivering timely justice to the public of Queensland.

The Court cannot perform effectively without the assistance of a properly resourced Registry where a strong case exists for increased staffing and improved accommodation and facilities. The Court will need adequate resources and funding to maintain and improve the re-developed CAMS and to pilot in appropriate cases the electronic filing of appeals, the preparation of electronic appeal books and the hearing of electronic appeals.

## Trial Division

### Criminal Jurisdiction

The Hon Mr Justice Mackenzie continued as the judge responsible for the management of the criminal list in Brisbane. Indictments presented in Brisbane are presented before him on designated presentation days. Then, and at subsequent review hearings, the Criminal List Judge endeavours:

- to identify as soon as possible those cases in which there will likely be a plea of guilty with a view to early finalisation;
- to identify cases where a pre-trial ruling pursuant to s 592A of the Code would be useful;
- to ensure that cases are ready for trial on the allocated dates, and that preparation for trial is undertaken by the parties to ensure the trials will proceed efficiently (especially ensuring that evidence is not unnecessarily called and that maximum use is made of the technology the court has).

More complex criminal cases or groups of cases may be assigned to a designated judge for management prior to trial, and for trial.

The Criminal List Manager plays a vital role in the effective disposition of criminal cases in Brisbane. The Manager is responsible to the List Judge and to the Brisbane criminal sittings judges for the management of the work in the criminal jurisdiction. The Manager liaises with the Office of the Director of Public Prosecutions, the Legal Aid office, the legal representatives of parties, unrepresented parties and various other agencies involved in criminal matters, with a view to the efficient disposition of the criminal work of the Trial Division.

The Central, Northern and Far Northern Judges are responsible for the management of criminal jurisdiction work in their own districts. Circuits are monitored from Brisbane and by the Central, Northern and Far Northern Judges (in their areas).

The efficient disposition of criminal matters depends on ensuring that responsible, informed and appropriately authorised prosecution and defence representatives are available to confer and make early realistic decisions whether the matter must proceed to trial (and if so, as to its scope) or whether a plea of guilty will be entered either to the original charge or a lesser charge. The key to this is the appointment of a prosecutor who can become familiar with the case and is able to make decisions about its conduct at an early stage. This problem continues to be a running sore. On occasion the List Judge has been obliged to direct that a prosecutor be appointed so that the process could operate in a timely way. Among the advantages of this is that the profession accepts that efficient disposition of criminal cases depends on cooperation between the parties and the court, minimising the need to make formal orders under s 592A of the Code.

Practice Direction 12 of 1999 is designed to minimise late pleas of guilty. It is difficult to assess how effective it is in doing so. Certainly it is ignored on many occasions. Some accused will always plead guilty at the last minute whatever advice they have been given. However, ensuring that defence advice is given and prosecution decisions as to whether a

lesser plea is acceptable are made in accordance with the Practice Direction, should produce some improvements.

The increasing demands on forensic services, notably the John Tonge Centre, continue to cause problems.

The timely transfer of matters from the Magistrates Court to be dealt with in conjunction with pleas of guilty in the Supreme Court continues to give rise to difficulties.

It is difficult to believe technology cannot make an effective contribution to the storage and accessing of statements and transcripts of committal proceedings. At present this involves the multiple photocopying and manual distribution of large volumes of unindexed and haphazardly arranged paper.

To facilitate the effective disposition of cases when there are pleas of guilty, the court seeks to designate plea days in advance but the late notification of the collapse of trials and competing calls for judge time restrict the court's capacity to deal with all pleas as expeditiously as the judges would wish.

**Table 11: Annual caseload – criminal jurisdiction, Brisbane**

Number of cases*	1997-98	1998-99	1999-00
At start of year	171	188	203
Commenced during year	579	591	594
Disposed of during year†	523	571	603
Undisposed of at end of year**	188	205	186

\* In this and other tables the term 'case' means person on an indictment.

† "Disposed of" includes trial, sentence, *nolle prosequi* and no true bill.

\*\* Figures may not add up because of breaches and bench warrants issued and executed.

**Table 12: Method of disposal**

Type	Number		
	1997-98	1998-99	1999-00
Trial	59	66	47
Plea of guilty	385	424	460
Other*	78	81	96
<b>TOTAL</b>	<b>522</b>	<b>571</b>	<b>603</b>

\* "Other" includes *nolle prosequi* and no true bill.

**Table 13: Age of cases disposed of – criminal jurisdiction, Brisbane 1999-00**

Time from presentation of indictment to disposal	Cases disposed of 1 July 1999 to 30 June 2000			
	Trial (%)	Sentence (%)	Other* (%)	Total (%)
<3 months	42.6	51.5	61.5	52.1
3-6 months	17.0	27.6	11.4	24.2
6-9 months	8.5	8.9	9.4	9.0
9-12 months	8.5	5.7	5.2	5.8
>12 months*	23.4	6.7	12.5	8.9
<b>TOTAL</b>	100	100	100	100

\* The disposition of cases in this category may be delayed because an offender has absconded, because of outstanding appeals to the Court of Appeal or High Court, the trial of co-offenders, etc.

**Table 14: Criminal jurisdiction applications, Brisbane, dealt with in the applications (chambers) jurisdiction**

Type of application	Number of applications		
	1997-98	1998-99	1999-00
Proceeds of crime	95	91	92
Compensation to victims of crime	20	33	32
Pre-trial bail	438	491	481
<b>TOTAL</b>	553	615	605

Note: A substantial number of criminal compensation, forfeiture of proceeds of crime and bail are also dealt with by trial judges but the statistics for those are not available under the Court's current information collection regime.





## Civil Jurisdiction

### The Uniform Civil Procedure Rules

The Uniform Civil Procedure Rules 1999 came into force on 1 July 1999. The Rules effected the most radical and far reaching changes in the conduct of the business of the court since the Supreme Court Rules of 1900. A number of amendments came into force on 1 July 2000 (Subordinate Legislation 2000 No 127)

The Rules were made pursuant to the *Supreme Court Act* 1991. The Act constitutes a Rules Committee to regulate practice and procedure in Queensland. It “must advise the Minister about repeal, reform or relocation of the provisions of the *Supreme Court Act* 1995” and “may advise the Minister about any law giving jurisdiction to the Supreme Court, District Court and Magistrates Court”. As the Act requires, the Rules were made with the consent of the Rules Committee. In fact, the Committee was responsible for the drafting and finalisation of the Uniform Civil Procedure Rules.

The Rules Committee responsible for the Uniform Civil Procedure Rules was:

- The Hon P de Jersey, AC
- The Hon Justice Williams
- The Hon Justice Muir
- The Hon Justice Wilson
- His Honour Judge Robin QC
- His Honour Judge McGill SC
- Mr Basil Gribbin SM
- Mr Keith Kosch SM
- Mr Ken Toogood, Registrar

The Hon Justice Williams accepted responsibility for chairing the Committee and made an invaluable contribution to its work. His tireless and enthusiastic commitment to the reform of procedural rules commenced soon after his appointment to the court with what came to be called ‘the Williams Committee’. Its work was taken up by the now disbanded Litigation Reform Commission and culminated in the Rules Committees’ Uniform Civil Procedure Rules.

All the members of the Rules Committee shared a heavy workload in building on those efforts. A timely outcome was only possible when adequate support from officers of the Department of Justice and Attorney-General and of the Office of Parliamentary Counsel was made available. The very substantial contribution made by the Registrar, the Sheriff and their officers must also be acknowledged.

The final exposure draft for comment was made available on the Court website as well as in hard copy.

A number of judges, the Registrar and registry officers were involved in seminars organised by University law schools, the Bar Association, the Law Society and other organisations to equip practitioners to deal with the new Rules.

The Rules ended unnecessary distinctions in procedure and practice between the Supreme, District and Magistrates Courts, while being designed to accommodate the inevitable differences in the work of the three courts. Their express purpose is to facilitate the just and expeditious resolution of the real issues in civil proceedings at a minimum of expense. They imply an undertaking by parties to act expeditiously.

The Rules implemented a new procedural regime to provide a structured regime for the development of issues and relevant information so that professional judgment can be applied to resolve disputes in the best interests of litigants with the minimum necessary commitment of their own and court resources.

The new regime is intended to change the way in which litigation is conducted.

Compliance with the Rules means litigants and their advisers are better informed earlier as to the nature, extent, strengths and weaknesses of the case they have to make out or meet so that an informed judgment can be made as to the expeditious disposition of the case. They therefore have the effect that clients need to give early, comprehensive and accurate instructions and practitioners must act on them promptly.

The new regime recognises that trial is not the inevitable outcome of the institution of proceedings and fosters an approach which involves the exercise of a professional judgment to develop and pursue a dispute resolution plan tailored to particular cases or classes of cases. Chapter 9, entitled 'Ending Proceedings Early', illustrates this as it integrates default judgment, summary judgment, discontinuance and withdrawal, mediation, case appraisal and offers to settle. These are coupled with wide provisions for decisions without pleadings, separate decisions on questions of fact and law and for the efficient determination of interlocutory disputes.

Some practitioners have adapted more readily than others to the new regime. Now that it has been in effect for 12 months attention will be paid in the coming year to greater effecting compliance with the spirit and purpose of the Rules. This will be done against the framework of the timelines and goals adopted by the court contained in appendix 1 and new practice directions which are being developed.

The court has a protocol to deliver judgments within three months save in exceptional circumstances. Where necessary, arrangements were made to provide additional judgment writing time so that judges could deliver judgments in a timely way.

### **The workload**

The following tables deal with civil jurisdiction in Brisbane. Tables in respect of business in Townsville, Rockhampton and Cairns and in the circuit centres of Bundaberg, Longreach, Mackay, Maryborough, Mount Isa, Roma and Toowoomba appear elsewhere in this report.

**Table 15: Initiating documents in contested matters, Brisbane**

Types of document	1997-98	1998-99	1999-00
Claims	2870	3297	1825
Originating applications	2349	2658	3200
<b>TOTAL</b>	5219	5955	5025

**Note:** Under the Uniform Civil Procedure Rules, actions previously commenced by issuing a writ are commenced by filing a claim.

Over the last three years there has been a marked decrease in the number of claims (writs) filed. Overall there has been a 39% decrease in claims (writs) filed. The number of claims in the personal injury category has decreased by 63%. There has been a marked decrease in requests for trial date (entry for trial) with a marked trend emerging in the last half of the period under review continuing in the first and second quarters of the following year. There are signs of a decrease in the number of settlements of cases set down for trial in the same period but it is unclear whether this is a trend. At the same time, although there are no figures available for reasons canvassed elsewhere in this report, there appears to be a decrease in the time between institution and trial.

These changes appear to be the consequence of a number of factors. The court is more interventionist in ensuring that cases are conducted expeditiously with the minimum necessary commitment of resources. Judges are devoting more time to monitoring and managing cases. The legal profession increasingly appreciates the court expects resolution short of trial to be seriously addressed and performance times adhered to.

The positions of Supervised Case List Manager, Civil List Manager and Applications Listing Manager are new positions involving the discharge of responsibility not previously undertaken by registry officers. They are responsible and time consuming positions involving considerable interaction with the legal profession. A designated Senior Deputy Registrar is responsible for the monitoring of compliance orders referring to mediation or case appraisal. These provisions have been made without any increase in staff.

The Uniform Civil Procedure Rules, which were intended to change the way in which litigation is conducted, are now starting to "bite". Up to date listing information is more accessible to the profession and trial dates are available within a short time of cases being ready for trial.

The more efficient solicitors have adapted to the new environment and are putting pressure on those less adept in their litigation.

The major components of the personal injury category are work related and motor vehicle accidents. Various statutory regimes in place over the last few years provide for the early provision of information and requires injured parties and insurers to seriously address early resolution before they commence litigation and plaintiffs' lawyers and insurers are active in seeking to resolve matters before litigation.

**Table 16: Annual caseload\* - civil jurisdiction, Brisbane**

Applications for trial dates	1997-98	1998-99	1999-00
At start of year	258	147	143
Application for trial date†	237	295	291
Disposed of during year	348	299	352
At end of year	147	143	83

\* Matters dealt with in the applications (chambers) jurisdiction are not included.

† Under the Uniform Civil Procedure Rules entry for trial is now application for trial date in actions commenced by a claim.

**Table 17: Cases awaiting hearing – civil jurisdiction, Brisbane**

Number of cases and days sought	At end 1997-98	At end 1998-99	At end 1999-00
Number of cases	147	143	83
Number of cases seeking more than five days	22	30	19
Total days sought	478	480	279
Average days sought per case	3.25	3.34	3.36

**Table 18: Method of disposal of cases\* - civil jurisdiction, Brisbane**

Method of disposal	1997-98	1998-99	1999-00
Judgment	70	90	109
Settled	200	180	166
Vacated	50	35	11
Discontinued	25	29	11
Other	3	4	54
<b>TOTAL</b>	<b>348</b>	<b>338</b>	<b>351</b>

\* Includes matters placed on the civil list without a request for trial date being filed.

**Table 19: Percentage of cases disposed of within 12 months of application for trial date – civil jurisdiction, Brisbane**

1997-98	1998-99	1999-00
65%	81%	92%

## Applications Jurisdiction

This was previously called chambers. The distinction between court and chambers has now been abolished.

Proceedings commenced by originating application or applications in matters already before the court (interlocutory applications) are returnable in the applications court in the first instance. A return date is nearly always available within a week or two of filing. The case is disposed of by an applications judge on the first return, adjourned for disposition at a later date or placed on the callover list. The latter applies to cases too long or complex to be disposed of in the applications court. The great majority of cases are disposed of on the first return date.

**Table 20: Applications jurisdiction**

Matter	1997-98	1998-99	1999-00
Originating applications	2332	2645	3118
Interlocutory applications	2606	2661	2670
<b>TOTAL</b>	4938	5306	5788

During the year the position of Applications List Manager was created in the Supreme Court Registry Brisbane. The creation of this position complements the other two positions of Civil List Manager and Supervised Case List Manager which assist the Senior Judge Administrator to facilitate administration of the civil jurisdiction.

### Decision on papers without an oral hearing

One of the initiatives introduced by the Uniform Civil Procedure Rules provides for a judge to make decisions on papers without the need for oral hearing: rules 487-498. An application must be accompanied by the necessary supporting evidence, written submissions and a draft order. The Rules provide for service on other parties, for a response, and for a respondent to require an oral hearing. The process offers the potential of considerable savings in costs and the take up has been disappointing.

**Table 21: Decision on papers without an oral hearing**

Outcome	1997-98	1998-99	1999-00
Applications filed	NA	NA	46
Orders made on the papers	NA	NA	28
Oral hearing required	NA	NA	NA

### Obtaining a trial or hearing date

Originating and interlocutory applications are returnable before an applications judge and are generally dealt with on the return day or, less often, they are adjourned to a later date. Some long or complex cases are placed on the civil list to be dealt with in the same way as cases commenced by claims. Cases commenced by claim generally obtain a trial date as a

consequence of filing a request for trial date. Because this filing involves the collection of a fee it cannot at present be done electronically.

Once a request has been filed in most circumstances the case is placed on a list to be allocated trial dates at a callover held at regular intervals for specific blocks of designated judge time.

Trial dates may be set electronically prior to the callover and without the need to attend at a callover by complying with the procedures found at [www.lawnow.com.au](http://www.lawnow.com.au).

Less frequently, a case may be allocated a trial date directly without being placed on the callover list (for example, in cases of urgency or other exceptional circumstances, when it is a long trial or on the supervised list).

**Table 22: Callover outcomes**

<b>At callover</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
Cases taking up available dates at first callover after application for trial date	N/A	58%	53%
Cases where no appearances for plaintiff at callover	N/A	3%	2%
Cases where no appearances for defendant	N/A	2%	4%
Cases adjourned to next callover	N/A	15%	26%
<b>Post-callover</b>			
<b>Post-callover</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
Cases set down at callover then settled	N/A	65%	53%
Cases set down then date vacated because parties not in a position to proceed	N/A	9%	11%
Cases adjourned because no judge available	N/A	6%	2%
Cases taking available dates at first callover which proceed to trial	N/A	20%	36%

While it is inevitable that some will settle after trial dates have been allocated or dates vacated for good reason it cannot be accepted that this is so for 64% of cases. There is considerable waste of court time even though the court builds this expectation into the set down rate. The problem is the product of a legal culture perhaps conditioned by long delays to trial and reflects a slow response by practitioners to the changed environment.

### **Supervised Case List**

Cases placed on the list continued to be managed in accordance with Practice Direction 15 of 1996 to effect just and timely resolution with the minimum necessary commitment of resources by the court and litigants. Longer or more demanding cases are subjected to a higher degree of supervision.

Cases are placed on the list on the application of a party, made through the Supervised Case List Manager, or as a consequence of a more than five day trial estimate, or by a judge who identifies the case as one which should be listed.

Cases are usually listed when:

- there is an estimated hearing time in excess of five days;
- a case (or a group of cases) is identified as imposing a greater than normal demand on resources because of such considerations as the likely length of the hearing, multiplicity of parties, complexity of issues, extent of documents involved or heavy reliance on expert evidence.

The Senior Judge Administrator is responsible for the management of the List with the indispensable assistance of the Supervised Case List Manager. The Manager facilitates the development by practitioners of a dispute resolution plan, provides a channel of communication with the Senior Judge Administrator or the judge responsible for the management of the particular case, and to other court officers who can assist the progress of the case.

**Table 23: Supervised Case List activity**

<b>Number of cases</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
At start of year:	127	165	78
• Single supervised cases	78	78	72
• Group supervised cases	89	87	6
Listed during year:	120	212	79
• identified more than five days sought for hearing or complex	17	124	5
• pursuant to direction of a judge	8	17	25
• pursuant to practitioner request	95	71	49
Reviewed:	272	213	299
Disposed of during year:	82	154	69
Tried to judgment:	18	14	16
• after an unsuccessful case appraisal	1	1	-
• after an unsuccessful mediation	10	11	7
Disposed of without trial:	64	N/A	53
• settled at mediation, mediator's certificate filed.	15	5	9
• mediation ordered but settled before mediation conducted.	2	5	2
• case appraised and case appraiser's certificate filed.	0	1	-
• case appraisal ordered, no case appraiser's certificated filed otherwise/discontinued:	47	58	-
• taken off the supervised case list because of eg. inactivity, insolvency, bankruptcy.	6	5	5
• actions remitted to the District Court.	1	1	-
• set down for trial but settled before trial started.	9	43	3
• settled after an unsuccessful mediation but before trial dated allocated.	6	11	6
• settled at trial.	4	3	8
• settled where no ADR process ordered.	11	2	16
• unsuccessful case appraisal, allocated trial dates but settled before trial commenced.	4	1	1
• unsuccessful mediation, allocated trial dates but settled before trial commenced.	3	2	3
Cases on Supervised Case List as at 30 June:	165	78	112
• single supervised cases	78	72	80
• group supervised cases	87	6	32

### **Mediation and case appraisal**

The Uniform Civil Procedure Rules provide for mediation and case appraisal.

Mediation is the facilitation of an agreed resolution of a dispute with the assistance of an independent third party.



Approval of court approved mediators and case appraisers is the responsibility of the Senior Judge Administrator in consultation with the Chief Justice.

The registries have available, free of charge, lists of approved mediators and case appraisers that gives details of fees, experience and areas of interest. As at 30 June 2000, there are 206 approved mediators and 139 approved case appraisers.

**Table 24: Approval of case appraisers and venue providers**

Type	1997-98	1998-99	1999-00
Case appraisers	20	14	8
Mediators	34	21	23
Venue providers	N/A	N/A	20

The court continues to exercise its power to refer proceedings to either mediation or case appraisal to facilitate an expeditious, potentially less traumatic and relatively cheap resolution short of trial. The court's involvement has diminished largely because insurers and efficient practitioners consider the use of these processes and undertake them in appropriate cases without the need for intervention by the court. There is reason to believe that many cases are successfully informally mediated without an order being made but it is impossible to say how many.

Unresolved interlocutory issues are frequently advanced as a reason for mediation not being embarked on at an early stage. Experience shows that frequently pursuit of these issues, about pleadings, particulars and disclosure for example, before mediation has the outcome that the parties (or their legal advisers) become entrenched in adversarial positions and the costs of the interlocutory issues become an impediment to a consensual resolution.

The court deals with this in appropriate cases by the referring order providing that interlocutory disputes are to be referred to the mediator before any application is made to the court. The mediator can then resolve the dispute or determine whether it constitutes an impediment to the mediation proceeding. If it is necessary to resolve the dispute, clauses providing for a streamlined procedure based on Rules 442-448 of the Uniform Civil Procedure Rules which deal with the exchange of correspondence instead of affidavit evidence are provided.

In last year's report reference was made to the fact that cases were removed from the callover list if there was an outstanding mediation or appraisal. In some such cases there was inordinate delay and in others opportunities to take up trial dates were missed. Such cases are now allocated hearing dates irrespective of whether or not mediation or appraisal had been completed.

In the vast majority of cases the identity of the mediator or appraiser is agreed between the parties.

The Hon Justice Byrne was again the judge responsible for the management and monitoring of progress of these matters during the year under review.

**Table 25: Consent orders to ADR by the parties**

Consent order to ADR (by parties)	1997-98	1998-99	1999-00
After referral notice by court	109	54	16
Without referral notice by court	123	150	211
<b>TOTAL</b>	232	224	227

**Table 26: Notice of intention to refer to appraisal or mediation**

Notices and outcome	1997-98	1998-99	1999-00
Notice	217	79	43
Objections	15	12	5
Matters reviewed after objection	8	2	2

**Table 27: Referral notices sent and no response received**

Action taken	1997-98	1998-99	1999-00
Advised of review	100	53	9
Listed for review	36	16	2

**Table 28: Follow up of outstanding mediation and appraisals**

Review notices and outcomes	1997-98	1998-99	1999-00
Notice of intention to review outstanding mediation or appraisal	161	138	73
Resolved before review	123	116	62
Listed for review	39	22	11
Directions given to finalise outcome	39	22	11

**Table 29: Case appraisal orders**

Appraisal orders made	1997-98	1998-99	1999-00
Orders referring to case appraisal:			
• consent	36	23	13
• not consent	36	21	16
<b>TOTAL</b>	72	44	29

**Table 30: Case appraisal outcomes**

<b>Outcome</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
Case appraisal certificates	72	46	24
Case appraisal election to proceed to trial	19	9	3
Outcome of election to proceed to trial:			
• worse	0	1*	2
• better	0	0	0
Settled after election but before judgment	3	2*	2
Remitted to District Court	0	1*	0

\*Amended figures

**Table 31: Mediation orders**

<b>Type of order</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
Orders referring to mediation:			
• consent	195	198	214
• not consent	122	106	81
<b>TOTAL</b>	<b>317</b>	<b>304</b>	<b>295</b>

**Table 32: Mediation outcomes**

<b>Outcome</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
Certified as settled*	154	142	184
Certified as not settled	168	137	96

\* In the three years covered by this table, 110 matters were certified as not settled at mediation and certified as settled at a later date.

### Cross-vesting scheme

The number of cases cross-vested under the *Jurisdiction of Courts (Cross-Vesting) Act 1987* is shown in the table below.

**Table 33: Number of cases cross-vested**

Originating and receiving courts	To Supreme Court of Queensland			From Supreme Court of Queensland		
	1997-98	1998-99	1999-00	1997-98	1998-99	1999-00
Federal	9	6	4	4	4	0
Supreme – NSW	4	2	0	1	2	5
Supreme – Vic	3	0	1	0	1	1
Supreme – SA	0	2	1	0	0	0
Supreme – WA	0	1	0	0	0	1
Supreme – ACT	0	0	0	0	1	0
Supreme – Tas	0	0	0	0	0	0
Family Court	5	0	0	0	2	0
<b>TOTAL</b>	21	11	6	5	10	7

### Judicial Review Act

The *Judicial Review Act 1991* provides, broadly speaking, for review by the Court of certain administrative decisions on a specific basis. These include directions orders.

**Table 34: Judicial Review Act**

Type of matter and result	1997-98	1998-99	1999-00
Applications*	72	102	94
Orders made	111	135	149
Referred to Civil List	26	11	23

\*Note: Matters not referred to the civil list are disposed of by the chamber judge.

### Unrepresented litigants

More people are opting to file, prepare and argue their own case before the court; approximately 7.3% of all parties involved in the year's filing were unrepresented litigants. This places additional burden on the court and its resources. Trials and hearings take a longer time to complete as judges have a need to explain court procedures to those self-litigants and to grasp the basis of the parties case.

There is a fine line between giving assistance and support and giving legal advice. Self-represented litigants often find the distinction difficult to comprehend. This causes problems which are difficult for staff to resolve at the counter. Suitable provision needs to be made for these matters to be dealt with privately. Registry staff are obliged to explain

court and registry procedure to those persons who are often suffering from stress or other problems.

The registries have fact sheets and brochures available to inform litigants, acting for themselves, how to deal with some particular issues.

These are on the court's web-site ([www.courts.qld.gov.au](http://www.courts.qld.gov.au)).

There has been a marked increase in the number of litigants who are legally represented making enquiries directly of the Registry as to the progress of their cases.



## Registrar's Court Jurisdiction

### Corporations Law

Registrars (the terms includes Deputy Registrars) have the power to hear various contested and uncontested applications under the Corporations Law since 1993. The Chief Justice is authorised to allocate the power to hear applications in addition to those specified in the Act.

Matters dealt with include applications for:

- Winding up of companies
- Reinstatement of companies
- Remuneration of liquidators
- Issuing of summonses to persons for their examination in relation to the affairs of a company
- Giving of leave to bring proceedings against companies in liquidation
- The investment of surplus funds of a company in liquidation
- The inspection of books of a company by creditors or contributories

As in previous years the majority of matters heard by a registrar were the winding up of companies (generally in insolvency).

**Table 35: Corporations law applications heard by a registrar and results – Brisbane**

Result of application	1997-98	1998-99	1999-00
Order	853	764	575
Adjourned	590	785	593
Dismissed	181	342	211
Referred to judge	80	61	89
<b>TOTAL</b>	<b>1704</b>	<b>1952</b>	<b>1468</b>

### Judgment by default

The Uniform Civil Procedure Rules, notably rules 283, 284, 285 and 286 increased both the range of situations in which a registrar may enter judgment by default and a registrar's powers to do so. A default judgment is no longer simply an administrative act. Because the Brisbane Registry has a computerised data base (CIMS) an affidavit of service is no longer required in that Registry. This effects a saving for litigants.

**Table 36: Judgment by default**

	1997-98	1998-99	1999-00
Applications	448	467	536
Judgment entered	312	328	362

The advantages of a registrar having jurisdiction to deal with these categories include:

- Judges are freed to deal with more complex applications more expeditiously.
- Cost savings to litigants.
- Greater use of the Registrars' skills and experience.

### **Legal practitioners**

The Registrar is responsible for maintaining the rolls of Solicitors and Barristers for the State of Queensland. This involves entering new solicitors and barristers, removing the names of practitioners ordered to be removed by the court and for the removal of the names of solicitors pursuant to rule 76 of the Solicitors' Admission Rules 1968 ordered to be struck off by the Solicitors Complaints Tribunal.

The rolls are available for public search upon payment of the prescribed fee<sup>2</sup>.

The *Mutual Recognition (Qld) Act 1992* provides for the recognition of uniform standards in occupations and callings in all Australian states and territories. The Act has particular application to legal practitioners. Barristers and solicitors registered in other Australian jurisdictions are eligible to practise in Queensland with a simplified process for registration in this State.

On 18 March 1999, assent was given to the *Trans-Tasman Mutual Recognition (Qld) Act 1999*. The legislation mirrors that introduced in other Australian jurisdictions and applies the mutual recognition principle to New Zealand practitioners seeking to practise in Queensland.

Approximately 80% of applications under mutual recognition are dealt with by the Registrar without it being necessary for the practitioner coming to Brisbane.

As part of the reciprocal arrangements with the Chief Justices of all Australian courts, the Registrar administers oaths and affirmations to Queensland practitioners admitted in other Australian jurisdictions and this is reciprocated by these jurisdictions. Approximately 100 oaths or affirmations were administered during the year.

The words "Attorney and Proctor" was deleted from the solicitors oath or affirmation and in the case of both barristers and solicitors "conduct" was substituted for "demean" in line with modern usage.

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<sup>2</sup> currently \$10.00.



**Table 37: Admissions**

<b>Admission as barristers</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
• under the Queensland Admission Rules	83	69	96
• under the <i>Mutual Recognition Act</i>	58	77	74
• under the <i>Trans-Tasman Mutual Recognition Act</i>	0	0	0

<b>Admission as solicitors</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
• under the Queensland Admission Rules	350	371	371
• under the <i>Mutual Recognition Act</i>	138	179	253
• under the <i>Trans-Tasman Mutual Recognition Act</i>	-	1	13



*Admissions ceremony in the Banco Court*

**Non-contentious estate matters**

Probate and letters of administration applications have increased by 5.5% during the year. Pressure on a diminished staff has led to some slippage in the time for processing applications.

**Table 38: Probate workload**

<b>New processes lodged</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
Letters of administration and letters of administration with the will	341	310	351
Probate	2517	2547	2671
Reseals	84	92	91
Elections	167	168	128
Orders to administer	441	402	403
<b>TOTAL</b>	<b>3550</b>	<b>3519</b>	<b>3644</b>

**Assessment of costs**

On 1 July 1999, the Uniform Civil Procedure Rules continued the implementation of a new process for fixing the costs liability of the unsuccessful party in litigation. The old basis of taxation, party and party, solicitor and client, and solicitor and own clients costs is gone. There are two modes of assessing costs; the standard basis and the indemnity basis of assessment.

Scrutinising a party's costs is now referred to as an assessment of costs rather than taxation and is performed by a registrar (previously Taxing Officer).

To assess costs a registrar must be approved by the Chief Justice. In Brisbane assessments are conducted by deputy registrars assigned by the Registrar.

An application for costs to be assessed must be filed and be accompanied by a costs statement. A directions hearing is held. If the party liable for the costs does not file a notice of objection and does not attend the directions hearing the Registrar may proceed to a default assessment. If the matter is contested the directions are given and a date fixed for hearing the contested assessment.

The function of the Deputy Registrar (Assessments) is a judicial one. Every item in a costs statement, (prior to 1 July 1999, referred to as a bill of costs) must be examined and a determination made so as to ascertain the proper amount payable.

Directions hearings outcomes are set out in the following table:

**Table 39: Directions hearings (Rule 710)**

<b>Type of case</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
Settled	115	81	76
Adjourned	225	131	68
Default assessment	89	95	84
Assessment date given	337	320	249
<b>TOTAL</b>	<b>766</b>	<b>624</b>	<b>477</b>

**Table 40: Result of cases set for assessment**

<b>Result of case</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
Adjourned	55	41	15
Settled	121	170	104
Assessed	136	173	120
<b>TOTAL</b>	<b>312</b>	<b>384</b>	<b>239</b>

Parties not satisfied by an assessment can seek a review.

The figures are not an accurate reflection of the workload. One costs statement was 554 pages with 2,700 items totalling in excess of \$800,000 (approx). In another a statement totalling \$200,000 (approx) was 554 pages with 300 pages of objections.

### **Central District**

The Hon Justice Alan George Demack (Central Judge since 16 January 1978) retired on 19 May 2000. He is, thus, the longest serving Central Judge. His successor is the Hon Justice Peter Richard Dutney.

The Central District includes Rockhampton, Mackay, Longreach and Bundaberg.

In Rockhampton, four sittings are gazetted each year for the hearing of criminal matters. Of the indictments presented, 89.83% were disposed of by a plea of guilty. This usually happened on the day the indictment was presented, so that 92.59% of pleas of guilty were dealt with within three months. Of the matters going to trial, one third were disposed of within three months and the remainder within six months. The tables which follow show that there has been a decrease in the number of indictments presented. A change in the district boundary in the south has meant that a number of offences committed in the Miriam Vale Shire are now dealt with in Bundaberg. This involves sending a judge to Bundaberg to hear matters formerly heard in Rockhampton.

In Rockhampton, there has been a significant reduction in the number of civil matters applying to be set down. This probably reflects the use of settlement conferences. In the civil jurisdiction, 42.86% of trials were disposed of within six months and 85.71% within 12 months. Of other civil matters, 63.16% were disposed of within three months, and all were disposed of within 12 months. Justice Demack presided at all of the criminal and civil sittings gazetted for Rockhampton save for the civil sittings following his retirement on 19 May 2000. That sittings was conducted by Justice Dutney.

In Mackay, criminal matters have, with one exception, been disposed of at the sittings to which the accused person was committed. The outstanding matter concerns a dispute about DNA evidence which has been slow to resolve. For civil matters, it has generally been possible to offer a date for trial at the first callover following the entry for trial. Again, settlement conferences and mediation appear to have reduced the number of cases being entered for trial. The Mackay sittings have been presided over by Justice Demack except for two sittings presided over by the Northern Judge, the Hon Justice Cullinane.

The Court of Appeal sat for the first time in Rockhampton on three days from 16-18 May 2000 in honour of the retirement of Justice Demack.

The Chief Justice conducted a criminal sittings at Longreach in August/September 1999.

Caseloads for all courts in the Central District are shown in the following tables:

**Table 41: Rockhampton criminal**

<b>Number of cases</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
At start of year	8	3	5
Commenced during year	49	72	60
Disposed of during year	54	70	61
Undisposed of at end of year	3	5	4

**Table 42: Rockhampton civil**

<b>Number of cases</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
At start of year	46	61	22
Entered during year	82	47	43
Disposed of during year	67	86	57
At end of year	61	22	8

**Table 43: Mackay criminal**

<b>Number of cases</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
At start of year	2	1	5
Commenced during year	10	12	26
Disposed of during year	11	11	30
Undisposed of at end of year	1	2	1

**Table 44: Mackay civil**

<b>Number of cases</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
At start of year	23	28	31
Entered during year	66	91	57
Disposed of during year	31	88	78
At end of year	28	31	10

**Table 45: Bundaberg criminal**

Number of cases	1997-98	1998-99	1999-00
At start of year	5	12	0
Commenced during year	26	12	37
Disposed of during year	19	24	30
Undisposed of at end of year	12	0	7

**Table 46: Bundaberg civil**

Number of cases	1997-98	1998-99	1999-00
At start of year	2	3	4
Entered during year	5	5	2
Disposed of during year	4	4	6
At end of year	3	4	0

**Table 47: Longreach criminal**

Number of cases	1997-98	1998-99	1999-00
At start of year	1	2	1
Commenced during year	2	0	0
Disposed of during year	1	1	1
Undisposed of at end of year	2	1	0

**Table 48: Longreach civil**

Number of cases	1997-98	1998-99	1999-00
At start of year	0	0	0
Entered during year	0	0	1
Disposed of during year	0	0	0
At end of year	0	0	1

### Northern District

The Northern Judge, the Hon Justice Cullinane, took leave during part of the second half of the year and during his absence a number of judges, including the Chief Justice, travelled to Townsville to conduct civil and criminal sittings.

In Townsville there were 18 weeks of criminal sittings during the year, disposing of 54 cases. Two trials occupied 30 sitting days and with 58 cases being presented for trial during the year, the number of cases awaiting disposal at the end of the year increased to 13.

There was a further decline in the number of civil cases entered for trial during the year resulting in only eight cases awaiting hearing at the end of the year. Of those eight cases none is a claim for personal injuries arising out of a motor vehicle accident and there has been a marked reduction in the number of work-related personal cases being entered for trial.

The Court of Appeal conducted its inaugural circuit sittings in Townsville in the week commencing 26 July 1999. The court was enthusiastically received by northern practitioners and disposed of five civil and 12 criminal matters during the week.

**Table 49: Townsville criminal**

Number of cases	1997-98	1998-99	1999-00
At start of year	24	15	9
Presented for trial during year	72	59	56
Disposed of during year	82	65	54
At end of year	15	9	13

**Table 50: Townsville civil**

Number of cases	1997-98	1998-99	1999-00
At start of year	55	33	22
Entered for trial during year	67	61	25
Disposed of during year	89	72	39
Tried	24	7	7
At end of year	33	22	8

### **Far Northern District**

The Supreme Court's Far Northern District was established pursuant to Part 12 of the *Courts Reform Amendment Act 1997*, which amended the *Supreme Court Act 1995*, and became law on 1 September 1997. This report therefore marks the completion of the second full year of the court's operation at Cairns.

The Act provides for a Far Northern Judge and court, equipped with its own Registry (officially opened in May 1999) and staff, including a Sheriff and Registrar.

On 16 February 2000, the Minister for Justice and Attorney-General, Mr Matt Foley MLA, officiated at the commemoration of the upgrading of the facilities at the Supreme Court Library in Cairns. The Cairns branch of the library now has a range of law reports, law journals and books, two on-line computers, a printer and photocopier and a library assistant. The supply of equipment and personnel was made possible through the generous financial support and cooperation of the local legal profession, the James Cook University and the Queensland Supreme Court Library. The Library is an important resource for the law students of James Cook University as well as the legal profession. Continued adequate funding for this essential facility, however, is yet to be confirmed.

Also on display in the Library are several paintings by indigenous artists which are on loan from the nearby Lotus Glen Correctional Centre.

Subject to sufficient work being set down, it is proposed that the Court of Appeal will sit in Cairns in the week commencing 16 October 2000. This follows the successful inaugural sittings of the Court of Appeal outside of Brisbane in Townsville last July.

The Supreme Court in Cairns is now equipped with real-time reporting facilities.

The sitting time for the Far Northern Judge, the Hon Justice Jones, has been spent in Cairns (31 weeks), Brisbane (3 weeks), Townsville (1 week) and Mount Isa (2 weeks) with 6 weeks allowed for judgment writing. The Hon Justice Williams also spent two weeks in Cairns dealing with criminal matters in October 1999.

**Table 51: Cairns criminal**

<b>Number of cases</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
At start of year	30	55	55
Presented for trial during year	143	165	137
Disposed of during year	119	159	143
At end of year	55	61	47

**Table 52: Cairns civil**

<b>Number of cases</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
At start of year	32	10	16
Entered for trial during year	42	49	60
Disposed of during year	64	43	62
At end of year	10	16	14

**Table 53: Mount Isa criminal**

<b>Number of cases</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
At start of year	10	8	0
Presented for trial during year	14	7	10
Disposed of during year	16	14	10
At end of year	8	1	0

**Table 54: Mount Isa civil**

Number of cases	1997-98	1998-99	1999-00
At start of year	6	12	3
Entered for trial during year	21	6	4
Disposed of during year	15	15	4
At end of year	12	3	3

### Southern District Centres

The Brisbane based judges serviced the Southern District centres as well as sitting in Bundaberg, Cairns and Townsville (while the Northern Judge was on leave).

**Table 55: Toowoomba criminal**

Number of cases	1997-98	1998-99	1999-00
At start of year	7	0	5
Presented for trial during year	22	16	23
Disposed of during year	23	11	26
At end of year	0	5	3

**Table 56: Toowoomba civil**

Number of cases	1997-98	1998-99	1999-00
At start of year	3	3	0
Entered for trial during year	22	20	12
Disposed of during year	22	23	3
At end of year	3	0	9

**Table 57: Roma criminal**

Number of cases	1997-98	1998-99	1999-00
At start of year	0	0	1
Presented for trial during year	0	2	4
Disposed of during year	0	1	4
At end of year	0	1	0



**Table 58: Roma civil**

Number of cases	1997-98	1998-99	1999-00
At start of year	0	0	0
Entered for trial during year	0	0	1
Disposed of during year	0	0	1
At end of year	0	0	0

**Table 59: Maryborough criminal**

Number of cases	1997-98	1998-99	1999-00
At start of year	3	0	0
Presented for trial during year	13	18	30
Disposed of during year	16	18	26
At end of year	0	0	4

**Table 60: Maryborough civil**

Number of cases	1997-98	1998-99	1999-00
At start of year	7	3	3
Entered for trial during year	11	11	9
Disposed of during year	15	11	10
At end of year	3	3	2

## Court of Disputed Returns

This court did not sit during the year under review.

## Tribunals

### Mental Health Tribunal

The Mental Health Tribunal is constituted under the *Mental Health Act 1974*. It has two important functions:

- It removes from the criminal justice system, at an early stage, persons accused of criminal offences who were of unsound mind (as defined by s 27 of the *Criminal Code*) at the time of the offence. Considerable court time and resources are saved. As well there is a saving in time and costs to the prosecuting authorities and those who fund criminal defence.
- The second function is to return patients in need of specialist psychiatric treatment to the mental health system where they can obtain that care, with consequent additional community benefit.

Accordingly, when a reference is made to the Tribunal in respect of an alleged offender, the Tribunal:

- determines whether the offender (who is designated for the purpose of the proceedings a 'patient') was of unsound mind at the time of the alleged offence was committed;
- determines whether a patient who is charged with murder and is not found to be of unsound mind was suffering from diminished responsibility as defined by s 304A of the *Criminal Code* at the time of the offence;
- decides whether a patient is fit for trial.

As well the Tribunal has jurisdiction to hear appeals from decisions of Patient Review Tribunals and to determine applications to remove patients, regulated by the *Mental Health Act*, out of the State. However, most of the Tribunal's work is concerned with a patient's sanity at the time he or she is alleged to have committed an offence.

The Mental Health Tribunal consists of a judge of the Supreme Court (the Hon Mr Justice Chesterman was appointed to constitute the Tribunal in June 1998) who is assisted by two psychiatrists. The psychiatrists do not constitute part of the Tribunal. Their function is to assist the judge constituting the Tribunal in his understanding of the effect and meaning of technical psychiatric evidence, especially where there are contradictory conclusions by experts. The assisting psychiatrists for this period were Dr A Dodds, MB ChB (Glasgow), FRACP, DPM, FRANZCP and Dr JF Wood, MB ChB (Aberdeen), DMP (Lond), MRCP, FRANZCP.

The Tribunal is invested with the powers conferred by the *Commissioner of Enquiries Act* 1950. Its proceedings are deemed to be judicial and are conducted publicly. Both adversarial and inquisitorial procedures are combined in the hearings conducted by the Tribunal. The patient, the Director of Public Prosecutions and the Director of Mental Health may each refer to the question of unsoundness of mind to the Tribunal, and are represented at its hearings. Most expert evidence is obtained at the instigation of the Tribunal so that witnesses are seen to be free of partisan interest. The parties have the opportunity to consider the experts' reports well in advance of hearings and to discuss them with the witnesses. This facilitates the expedition of the hearings.

During the year 1999-2000 the Tribunal dealt with 244 matters. The following table shows the breakdown:

**Table 61: Matters dealt with by the Mental Health Tribunal**

<b>Findings of the Mental Health Tribunal</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
References:			
• Director of Mental Health	120	147	159
• Director of Public Prosecutions	1	1	4
• Patient or legal adviser	56	67	67
• Courts of law	2	1	2
Appeals against the Patient Review Tribunals	6	10	6
Section 45 application for removal of patient from Queensland to:			
• Australian Capital Territory	1	7	-
• Victoria	1	2	1
• New Zealand	2	1	1
• South Australia	-	-	2
• Tasmania	-	-	1
• Sweden	-	-	1
Section 70 application for order to visit and examine patient	-	-	-
<b>TOTAL</b>	<b>189</b>	<b>236</b>	<b>244</b>

The result of matters dealt with are shown in the following table:

**Table 62: Results of matters dealt with by the Mental Health Tribunal**

<b>Findings of the Mental Health Tribunal</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
References:			
• unsoundness of mind	112	127	139
• not of unsound mind and fit for trial	31	40	44
• not of unsound mind but of diminished responsibility and fit for trial	-	8	7
• not of unsound mind and unfit for trial	8	7	4
• facts in dispute and fit for trial	13	9	9
• facts in dispute and unfit for trial	2	3	2
• references struck out	-	22	27
Appeals:			
• dismissed	6	8	4
• upheld	-	2	2
Section 45 applications for removal granted	4	10	6
<b>TOTAL</b>	<b>189</b>	<b>236</b>	<b>244</b>

Last year's report noted a persistent increase over the years in the workload of the Tribunal. That trend has continued and is apparent in the figures produced above in Table 61. It remains the case that some references are consuming considerable time. It has been necessary this year to allocate an additional week to ensure that outstanding references obtained a hearing. This time last year there were fifty-two references awaiting hearing. That number has almost doubled. Ninety-three references presently remain unheard.

The Tribunal's work is conducted very efficiently. The changes to procedure outlined in the report for the year 1997-98 have been effective. Parties now indicate in advance whether or not any expert witness is required for cross-examination. This early attention to the cases has resulted in most references being disposed of quickly, leaving the Tribunal time to concentrate on the contentious cases which are, as already noted, growing in number.

The *Mental Health Act* under the Tribunal is constituted and from which it obtains jurisdiction has very recently been repealed. As a consequence, the Mental Health Tribunal will no longer exist. New legislation has created a new but similar entity differently designated but substantially the same in jurisdiction and operation. A description of the new entity and its functions will appear in next year's annual report.

### **Medical Assessment Tribunal**

The Medical Assessment Tribunal is a superior Court of Record created under s 33(1) of the *Medical Act* 1939, “for the better control and discipline of medical practitioners (including specialists) and for the better determination of matters having a medical element...”. The Tribunal is constituted by a judge of the Supreme Court sitting with two medical practitioners as assessors. With one exception, the Hon Justice Fryberg constituted the Tribunal this year and the assessors were Dr B Biggs OAM, MBBS, FRACGP and Dr M Lawrence AM, MBBS, FRANZCP, FRC Psych, FAMA, Corr Fell APA. For one matter, the Hon Justice Moynihan constituted the Tribunal this year and the assessors were Dr Lawrence and Dr RP Taylor MBBS, FRACGP, DDU, GDTh.

At the beginning of the year five matters were pending in the Tribunal, all awaiting hearing. During the year a further 17 matters were instituted in the Tribunal. There were no appeals to the Court of Appeal. The type of matters commenced during the year is shown in Table 63 below.

**Table 63: New matters instituted in the Medical Assessment Tribunal**

<b>Nature of proceedings</b>	<b>Section of Act</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
Investigate matters respecting the administration of the Medical Act, the medical profession, or the practice of medicine or any other matter considered to require investigation in the public interest, on a reference by the Governor-in-Council	s 6	nil	nil	nil
Investigate the conduct or qualification of any medical practitioner on reference from the Medical Board of Queensland	s 36	nil	nil	nil
Hear appeals from determinations of the Board to refuse a person's application for registration, to remove a practitioner's name from the register or to impose conditions upon a practitioner's registration	ss 18B, 21, 30M, 31D	1	4	1
Hear applications for review of orders of the Board suspending a practitioner or imposing conditions upon a practitioner's registration	s 32	4	2	2
Hear charges made against practitioners by the Board alleging disqualification from practice, conviction of an indictable offence, or misconduct in a professional respect	s 37	9	8	10
Hear cases of suspension for protection of life or health on reference from the Board	s 20	2	nil	3
Hear motions for a person to be dealt with for contempt of the Tribunal	s 33	1	nil	nil
Hear applications for committal for breach of condition of suspended sentence of imprisonment	s 33	nil	nil	1
<b>TOTAL</b>		<b>17</b>	<b>14</b>	<b>17</b>

Hearings during the year consumed 26 sitting days, including one non-scheduled sitting day, as compared with 33 sitting days last year. In addition, the judge continued to sit without assessors to give directions from time to time. The number of cases coming before the Tribunal requires regular callovers to be held and directions to be given; the time taken for this continued to be substantial during the year.

The reduced delay in obtaining dates for hearing noted in last year's report was not maintained in 1999-2000. Two factors contributed to this. First, the estimates of time for hearing given by parties tended to be longer than in 1998-99 resulting in fewer cases being set down in some sittings. Second, in anticipation of the early coming into force of the

*Health Practitioners (Professional Standards) Act 1999*, only one sittings was listed for the period January to June 2000. In the event, most of the Act did not commence until 7 February 2000. As a result, instead of the anticipated reduction in new filings, there was actually an increase. These factors caused the number of cases awaiting hearing at the end of the period to increase from five to 11.

That figure would have been even higher had the March 2000 sittings of the Tribunal not been conducted with a running list. In recognition of the difficulties and inconvenience which that listing method causes parties, witnesses and lawyers, the Tribunal has avoided it in recent years. It was adopted because long delays in cases coming on for hearing cause even greater difficulties. It is expected that the method will be used for the remainder of 2000.

**Table 64: Annual caseload – Medical Assessment Tribunal**

	1997-98	1998-99	1999-00
At start of year	7*	14	5
Commenced during year	17	15†	17
Disposed of during year	10†	24	10
At end of year	14†	5†	12*

\* Includes a case which had been heard in which judgment was reserved.

† Corrected figures.

The *Health Practitioners (Professional Standards) Act 1999* was assented to on 18 November 1999 and came fully into force on 7 February 2000. It makes provision (among other things) for the abolition of the Tribunal and for the creation of a new Health Practitioners Tribunal, constituted by a District Court judge, to deal with most professional persons working in the health area. The Act provides for appeals started before 7 February to be dealt with as if it had not been passed. It also provides for complaints made to and inquiries being conducted by the Board **and appeals relating to such matters** to be dealt with as if it had not been passed<sup>3</sup>. Although this provision could, in theory, continue to support new filings for a long time, it is not anticipated that there will in fact be any more matters commenced in the Tribunal.

Sittings for a total of three weeks have been listed for the second half of 2000. It is likely that further sittings will be required in early 2001.

### **Industrial Court**

The coming into force of the *Industrial Relations Act 1999* brought to an end an association between the Supreme Court and the Industrial Court which began with the passing of the *Industrial Arbitration Act 1916*. The history of that association was briefly recounted by the last judge of this court to hold the Office of President of the Industrial Court on the swearing in of the new President and Commissioners on 2 August 1999. Over the intervening 83 years the Industrial Court was well served by judges of the Supreme Court. It is of interest to note that five Supreme Court judges who served as President of the

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<sup>3</sup> Section 400.

Industrial Court went on to become Chief Justice of Queensland and one was elevated to the High Court. Further, as was noted on 2 August 1999, judges of the Supreme Court acting as President of the Industrial Court had been called upon to take stands loyal to their judicial oaths which threw them into direct conflict with the government of the day. The volatility of industrial relations meant that such situations were more likely to occur in the industrial arena than in the calmer atmosphere of commercial and equitable disputation.

In this report it is opportune to record the service given to the State of Queensland by those judges of this court who have served as President of the Industrial Court. Much of their contribution to the development of industrial law in this State has been recorded in the chronicle "They'll Always be Back" by RJ Howatson, a former Industrial Commissioner.

Though the formal links between the Supreme Court and the Industrial Court have now been severed, future Presidents and Commissioners can be assured of support from the Supreme Court judges in their demanding task of supervising industrial law within this State.

### **Land Appeal Court**

The Land Appeal Court hears appeals from decisions of the Land Court and, in such cases, consists of a Judge of the Supreme Court and any two of the members of the Land Court, other than the member who pronounced the decision appealed against. These appeals arise mainly in compensation matters pursuant to the *Acquisition of Land Act* 1967 and valuation cases for rating and land tax purposes under the *Valuation of Land Act* 1944.

The Land Appeal Court also has jurisdiction to hear appeals from decisions of the Queensland Biological Control Authority under the *Biological Control Act* 1987, in respect of matters referred to in Part 5 of the *Foreign Ownership of Land Register Act* 1988, and from decisions of the Land Tribunals established for the purposes of the *Aboriginal Land Act* 1991 and the *Torres Strait Islander Land Act* 1991. Questions of law arising in proceedings before the Land Tribunals may also be referred to the Land Appeal Court for decision.

There are Southern, Central and Northern Land Appeal Courts. The judges holding the appointments were respectively, their Honours Mr Justice Muir, Justice Demack (recently retired) and Justice Cullinane. Provision has been made in the *Land Court Act* 2000 (to be proclaimed on 1 July 2000) for a Far Northern Land Appeal Court.



**Table 65: Appeals to the Land Appeal Court**

<b>Appeals to the Land Appeal Court</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
Number of appeals lodged:			
• Northern	6	0	2
• Central	0	0	0
• Southern	14	8	14
Nature of appeals:			
• Compensation ( <i>Acquisition of Land Act</i> )	8	2	5
• Valuation ( <i>Valuation of Land Act</i> )	4	1	10
• Costs ( <i>Acquisition of Land Act</i> )	5	5	1
• Categorisation ( <i>City of Brisbane Act</i> )	1	0	0
• Categorisation ( <i>Land Act</i> )	0	0	0
• Jurisdiction ( <i>Land Act</i> )	1	0	0
• Land Tax ( <i>Land Tax Act</i> )	1	0	0
• From decision of Land Tribunal ( <i>Aboriginal Land Act</i> )	0	0	0
Number of sitting days allocated:			
• Northern	5	5	5
• Central	0	0	0
• Southern	10	10	10



## **Administrative Support**

### **Office of the Court Administrator**

The offices of the Court Administrator, Registrar and Sheriff provide administrative support to the Supreme Court of Queensland.

The Court Administrator, Bronwyn Jolly, is responsible for budget management and administrative operations. A small team of administrative staff undertake duties necessary to ensure the smooth and efficient operation of the Supreme Court and to achieve particular projects suggested by the judiciary.

Officers from the JAG Public Communications Branch developed a communication strategy for Queensland Courts which identified more than forty specific projects. During this year, half of these projects have been completed including a review and rewrite of facts sheets for the public and lawyers and research of a new booklet, 'Focus on Queensland Courts', which will be made available to visitors to the courts. A survey of Queensland jurors was conducted and is discussed further on page 4. Development of the remaining projects will continue in the next year.

The Office has been keen to embrace new ways of delivering services and information. The Supreme Court calendar is delivered electronically. Practice Directions are now sent by e-mail, which saves time both for the court and legal publishers.

Procedures have been introduced to assist the Supreme Court judges with the appointment of associates, including the development of an information list forwarded, on request, to any prospective Associate applicant. Procedures for processing travel claims have been reviewed which has led to improvements.

Unresolved complaints about the Registry can be directed to the Court Administrator.

The court is a public institution which plays a vital role in the education of students. A list of the many schools and institutions which have visited the complex is attached (see annexures 5 and 6). The court is planning to improve the facilities available and provide a written guide for the students or other visitors. Similarly, many institutions use the facilities for public purposes. In this way the court can assist the development of legal and advocacy skills by law students and recently admitted members of the profession.

Court staff participated in the filming of a documentary for Career Channel of an international television science series to be shown on SBS. One of the stories will be covering the use of new technology to assist with investigation and prosecution. This new method of reproduction of a crime scene by the Queensland Police Department will make it easier for witnesses to recall events when giving evidence in court.



*Back (L to R): Gordon Roberts (Registrar, Rockhampton), John Bingham (Registrar, Cairns), Ray Keane (Registrar, Townsville)*  
*Front: Ken Toogood (Registrar, Brisbane), Bronwyn Jolly (Court Administrator, Brisbane)*

## **Registries**

The Supreme Court of Queensland has four central registries, at Brisbane, Rockhampton, Townsville and Cairns. In addition, there are seven district registries at Roma, Mt Isa, Bundaberg, Mackay, Longreach, Maryborough and Toowoomba. (see annexures 7 & 8)

The Supreme Court Registry in Brisbane, which consists of the civil, criminal and appellate registries and the Sheriff's and the Bailiff's offices are located in the Law Courts Complex in George Street, Brisbane. Registries at other centres are contained in the court's buildings at those centres.

The current Registrar, Mr K T Toogood, is the 25<sup>th</sup> holder of that office. He also holds the offices of Registrar of the District Court Brisbane, of the Court of Appeal Division and of the Planning and Environment Court. The Registrars at the other central registry hold similar dual appointments as Registrar of the District Court at both centres. This arrangement is different from that in other Australian jurisdictions where separate registrars and staff carry out the functions of the respective courts.

The Registrar is an officer of the court responsible to the judges, for administrative aspects, to the Court Administrator for the efficient management of Registry services. In Brisbane the Registrar is supported by 15 Deputy Registrars and 49 administrative officers for the Supreme and District court registries.

The Registrar established a help line for the first four weeks of the operation of the new Uniform Civil Procedure Rules to assist practitioners and the public in the transition. This line was staffed by deputy registrars between the hours of 1:00pm and 4:00pm Monday to Friday. In addition to calls coming originally to the court's general enquiry number, some 450 calls were logged.

Systems of regular meeting of the Registrar and his deputies, administrative staff and managers with the Court Administrator and court administration officers with judges and Central Registry Registrar (usually by telephone) take place.

Considerable effort has been made to ensure uniform practices in respect of the implementation of the Uniform Civil Procedure Rules and their ongoing use.

A conference of the Central Registrars (Brisbane, Rockhampton, Townsville and Cairns) on 13-14 March, dealt with such topics as Uniform Civil Procedure Rules, juries and the jury survey and other matters. Registrars were afforded the opportunity of meeting the judges of the Supreme and District Courts.

Nineteen affirmative actions were agreed at the conference and half of these have now been implemented.

Activity in the Brisbane Registry in the weeks leading up to 1 July 1999, when the Uniform Civil Procedure Rules came into force, strained Registry resources. Four thousand three hundred and nineteen (4319) documents were filed in the last week and on the 30 June, 112 writs and 360 writs of non-party discovery were filed in the Brisbane Registry. Two thousand three hundred and fifty three (2353) documents were filed in the first week of July.

Uniform Civil Procedure Rules reduced the number of approved forms from 522 to 126 and changed the style and format of forms.

Arrangements were made for reasons for judgment in respect of the new Rules to be made immediately available on the Supreme Court Library website ([www.sclqld.org.au](http://www.sclqld.org.au)).

Appendix 9 gives some indication of the participation by the Registrar and his officers in legal professional education activities.

### **Training**

Prior to the commencement of the Uniform Civil Procedure Rules, the higher courts registry held a series of training courses for the registry staff. The courses were conducted by several deputy registrars and covered the conversion to the new rules, changes in court and registry practices and procedures and the introduction of a document and procedures manual for the staff. A deputy registrar from the Brisbane higher courts registry visited 10 of the country registries of the higher courts and conducted similar training sessions for staff in relation to the Uniform Civil Procedure Rules. A teleconference was held with a number of the other country registrars to brief them on the new rules.

Additional training has occurred on a regular basis as new issues arose as the result of the interpretation of the rules by the court. The court staff have welcomed the implementation of the new rules.

There is a strong need to enhance staff training in the use of technology to manage information and to use information in the evaluation of activities and in the management of their work.

Specialised training courses have been conducted on other issues such as admiralty actions, estates and probates, civil proceedings, the jurisdiction of the applications and review court and Word and further training courses are planned.

Almost 90% of court registry staff have attended Equity Awareness courses conducted by the Department of Justice and Attorney General in the last year.

### **Storage space**

Storage space is at a premium. Documents are still lodged in paper form. The Uniform Civil Procedure Rules call for the filing of documents which were not previously filed and directions to deliver material to the Registry in supervised cases involves large volumes of paper particularly since the profession is slow in taking up lodgment of these in electronic form. The destruction of court documents including writs, divorce papers, deed polls, wills, grants of probates and letters of administration and other legal or historical records in accordance with the *Libraries and Archives Act* 1988, may become the only solution to the problem unless more space is made available. Legislative change is being sought for the destruction of unclaimed exhibits.

The Registry looks forward to the days of lodgment of documents by electronic means, paperless files, and other file management technology. It is hoped that this will occur before lack of storage space forces the destruction of older records.

10,980 new court files were created on CIMS this year.

**Table 66: Document filings recorded by CIMS in Brisbane**

<b>1997-98</b>	<b>1998-99</b>	<b>1999-00</b>
134,015	141,596	102,451

The decrease in number does not reflect a fall in filings but different methods of counting reflecting changes brought about by the Uniform Civil Procedure Rules. For example, one exhibit certificate is counted rather than the individual exhibits to an affidavit.

### **Information Services**

“We will provide information sheets on a range of matters to assist you” is a statement from the Queensland Court Registries Charter.

The major registries of the Supreme Court continue to support this statement and clients can avail themselves of brochures and fact sheets that address a wide range of matters.

In the year under review, most of the Court's brochures and fact sheets have, with the assistance of the Communications branch of the Department of Justice, undergone updating and a re-write to make them clearer to lawyers and non-lawyers. The brochures and fact sheets are on the Court's web-site ([www.courts.qld.gov.au](http://www.courts.qld.gov.au)) and are available for the general public and the legal profession at the registry counters or by sending by mail after an initial telephone enquiry.

Follow up enquiry by clients is minimal which suggests that the brochures and fact sheets are easy to understand and provide sufficient information to satisfy the clients' needs.

The following is a list of some of the brochures and fact sheets available from the major court registries as at 30 June 2000, with an indication of demand:

Brochure	Number issued 1999/00
Changing your Name by Deed Poll	827
Guidelines for Registration for Barristers or Solicitors – <i>Mutual Recognition (Qld) Act 1992</i>	222
An Explanation of Supreme Court ADR Processes	190
Supervised Case List (an Overview)	164
Applying for a Grant in an Estate – Probate and Letters of Administration	432
Jury Handbook	8068 (one supplied to each member of the community called for jury service)
Technology in Trials in the Supreme Court	228

Without a doubt the most highly sought after brochure for the second year in a row was “Changing your name by deed poll”. A large amount of interest also occurred as a result of the running of an article in the Brisbane Sunday Mail in February. Following this article the Registry was inundated with inquiries by the general public as to how to go about changing their name under their own means. In the year of the report 1162 applicants changed their name by deed poll through the Brisbane registry. Figures in the other centres were Rockhampton – 64; Townsville – 97; and Cairns – 48.

There is no legislation covering a person’s right to change name by deed poll in this state and most of the practice stems from “common law” and the monitoring by registry officers. Registration of obscene and blasphemous names is not permitted, but there are no other restrictions. The Registry operates only as a registering facility for this process and due to the high use consideration should be given to legislation to regulate the practice.

### **Filing by Post**

Many practitioners now file documents by post rather than by personal attendance at the Registry. Any document provided for under the rules may be filed by post with the (current) \$16.50 dealing fee. This includes applying for default judgment and for a grant in estate matters. The initiative taken by the Brisbane registry since June 1999 not to require the filing of an affidavit of search in those instances has led to an increase of 77% in the number of matters filed by post in the Brisbane registry. The applications for “Decisions on the papers without oral hearing” [see Chapter 13, Part 6 of Uniform Civil Procedure Rules] can be filed by post. Approximately 1,351 sets of documents have been lodged by post through the Brisbane registry and 445 through the Townsville registry.

## **Funds in Court**

As at the end of the year, there were 50 accounts relating to Supreme Court matters credited to the Court Suitors Fund Account Brisbane, totalling \$7,031,871.85. Regulation 30(1) of the *Court Funds Regulation 1999* requires that a list be made of accounts which have not been dealt with during the previous six years other than under continuous investment or by payment of interest. Six accounts in that category were advertised and as a result of no action being taken to recover the monies the Registrar was ordered by the court to transfer the sum of \$9,843.01 to the Consolidated Revenue Fund.

## **Client Services**

The public face of the civil registry is the Client Services area. It is located on the ground floor and is wheelchair accessible.

A number ticketing system ensures clients are served in turn and a visual display unit complements this.

There is one service counter and four Client Relations Officers are on duty at peak times.

Each officer has direct computer access to the registry database. This means that information on the database can be retrieved instantly, and entries or enquiries made in the various diaries used in the preparation of the daily Lawlist.

A diverse range of documents are lodged - new claims and associated documents, applications to wind up companies, grants in estate matters, deed polls to name a few.

Between 150 and 200 clients attend the Registry each day, and an average of 500 documents a day are filed.

## **Sheriff's Office**

The Sheriff of Queensland (Neil Hansen) is responsible for managing the criminal jurisdiction within the registries of the Supreme and District Courts. The Sheriff's office which services the Supreme Court in Brisbane is divided into three sections in different areas of the courts complex. These are the Sheriff's office, the Bailiff's office, managed by the Chief Bailiff, and the Criminal Registry managed by a Deputy Sheriff. Combined, the Sheriff's support staff consists of 4 Deputy Sheriffs, Central Jury Co-ordinator, 7 administrative officers, Chief Bailiff, Deputy Chief Bailiff, 20 Bailiffs and 13 casual Bailiffs. Each section has its particular areas of responsibility which include:

- the preparation and forwarding of Notices to Prospective Juror and Questionnaires for all courts throughout Queensland;
- management of the jury selection process in Brisbane, ensuring adequate jurors are available for the criminal and civil jurisdictions of the court, determination of applications for excusal, ensuring secure transport and accommodation of jurors, and the timely payment of jurors' fees;
- the timely payment of witness fees;
- management of the criminal registry functions of the courts to ensure a high standard of service delivery;
- management of the bailiffs, to ensure a high standard of service delivery to the judiciary and courts;



- the timely and efficient enforcement of warrants, including the seizure of vessels;
- co-ordinating security for trials when requested by judges;
- ensuring the safe custody and welfare of prisoners to the extent required by the *Corrective Services Act 1988*.

The Registrars at Rockhampton, Townsville and Cairns exercise the powers and duties of the Sheriff for the Central, Northern and Far Northern Supreme Courts.

### **Jury Management**

The Supreme and District Courts share jury panels. The Sheriff's office issued 51,600 notices to prospective jurors for the Brisbane courts and 104,075 for the remaining 30 Supreme and District Courts in Queensland. Eight thousand four hundred and twenty eight (8,428) summonses for jury service in Brisbane were issued.

Late 1999 a survey of jurors was authorised pursuant to section 71(9) of the *Jury Act 1995*. The results of the initial survey of 13 districts have been published on the Queensland Courts website ([www.courts.qld.gov.au](http://www.courts.qld.gov.au)). The overall ratings given by members of the public that had been summoned to perform jury service were favourable.

Since the results the Sheriff has, with the assistance of the Public Communications section of the Justice Department, reviewed and is presently in the final stages of introducing a new Notice to Prospective Juror form, which clearly sets out the requirements of fulfilling the role of a juror. A new Juror Handbook is also in its initial draft stage. Improvements in technology in courts referred to elsewhere will assist jurors. Other areas yet to be addressed as a result of the survey include:

- providing freecall access to the jury recorded message;
- improved seating arrangements in most centres;
- providing an opportunity for access to counselling or stress management.

### **Criminal Registry**

The Criminal Registry in Brisbane is managed by Deputy Sheriff (Peter Irvine) and is responsible for the registration and processing of the criminal records of the Supreme and District Courts in Brisbane. These records are currently held on a database (Criminal Register System [CRS]). During the year, 4,181 indictments and transmitted summary offences against 3,824 defendants were registered on the CRS for the Supreme and District Courts in Brisbane, and 3,714 defendants had their charges finalised. Of these, 639 matters against 594 defendants were for the Supreme Court, and 603 defendants had their charges finalised. The criminal registry is responsible for the preparation and distribution of all necessary orders and warrants in respect of the outcomes.

During the year 634 warrants for arrest, issued by judges and registrars, were forwarded to the Warrant Bureau.

Amendments to the *Bail Act 1980* during the year allowed for a new procedure for the adjournment of trials from one criminal sittings to the next and limited the movement and endorsement of large numbers of indictments by the court. This greatly relieved pressure on the Registry.

### **Bailiffs' Office**

The Brisbane bailiffs are managed by the Chief Bailiff (Phil Lennon) who is assisted by Deputy Chief Bailiff (Ken Welsh). They assist and train the bailiffs, both permanent and casual, for the duties they perform in the courts which include –

- setting up courtrooms for daily use and managing the day to day running of the courtroom;
- the supply and setting up of special equipment, such as polycoms, amplifiers and visualisers;
- arranging for remote witnesses to be connected to the courts to give evidence by phone when necessary;
- instructing jurors as to the requirements of their service and supervising the jury dining area;
- supervising empanelled jurors, as directed by the court, whilst the jury is considering their verdict, including any necessary overnight accommodation;
- performing registry duties and assisting other areas of the courts as directed;

During the year bailiffs and casual bailiffs were assigned to the following:-

- 2117 days of criminal court sittings, 494 of which were for the Supreme Court.
- 897 days of civil court sittings, 517 of which were for the Supreme Court.
- 729 days of assisting judges in the applications to court sittings (formerly chambers), 488 of which were for the Supreme Court.
- 56 days of Medical Assessment Board sittings.
- 194 days of Planning and Environment Court sittings.
- 21 days as court orderlies.
- 188 days of administrative duties for the registry.

Bailiffs assist the Sheriff by executing enforcement warrants issued by the court.

### **Execution**

At the start of the year the new Uniform Civil Procedure Rules commenced, which changed the role of the Sheriff in respect of execution. During the year the Sheriff as a Deputy Registrar of the Brisbane Supreme Court ordered the issue of 180 enforcement warrants for execution. 17 warrants were against property (*Enforcement Warrants – Seizure and Sale*), 161 were for recovery of possession of land (*Enforcement Warrants – Possession of Land*), and two were for the delivery of goods (*Enforcement Warrant – Delivery of Goods*). The court issued one Enforcement Warrant – Seizure and Detention and two Warrants for Arrest for Contempt.

Of these, the enforcement officers (bailiffs) successfully enforced 65 warrants, 61 of which were for possession of land.

The Sheriff is also Marshal and performs duties in admiralty jurisdiction under the *Admiralty Act* (Commonwealth) 1998. Three vessels were arrested by the Marshal in Brisbane during the year.



### **STAFF OF THE SUPREME COURT OF QUEENSLAND, BRISBANE**

**Back Row** (L to R): Rachael Bussian, Cameron Woods, Ian Sims, Tony Tello, Dennis Dowd, Andrew Alcock, Neil Hansen, Rod Travers, Cliff Olsen, Rod Goody, Neville Fenning, Kate Bannerman, Jeff Hobson, Ken Welsh, George Trinder.

**Second Row** (L to R): Dean Williamson, Cecile Bell, Lorna Gregory, Michael Reeves, Tom Lehane, Ian Enright, Neville Greig, Eric Kempin, Bob Houghton, Leanne McDonell, Vera Maccarone, Sally Shaw.

**Third Row** (L to R): Narelle Foote, Lynette Forrest, Robyn Wooler, Allison Bambrick, Elizabeth Shepard, Maree Porter, Lisa Dare, Rachael Budz, Julie Wilson, John McNamara, Craig Hogan, Gail Beard, Vikki Marshall, Deidre Daly, Lisa Kemp, Dianne Kelly, Helen McGuinness, Anita Brosnan, Vivienne Koroglu, Allan Kinsey, Jenny Turner.

**Fourth Row** (L to R seated): Cheryl Minniecon, Delphine Leeding, Joan Barr, Madonna Flynn, Kristine Gillespie, Susan Stuart, Mary Rahemtula, Angela de Luca, Lisa Ingram, Shane Myers, Maree Liessmann, Marie Bergwever, Delphine Savage-Morton.

**Front Row** (L to R seated): Chris Figg, Sue Walker, Janet Lightbody, Phil Lennon, Bronwyn Jolly, The Hon Chief Justice Paul de Jersey AC, Ken Toogood, Robyn Hill, Tracy Allardyce, Joanne Stonebridge.



# Technology

## Introduction

The Court's goals in using technology are:

- Improve service to litigants, the legal profession and others by striving to further the initiatives developed by the courts in terms of electronic service delivery and electronic business by making accurate and current information accessible to the profession and the general public.
- Extend and improve access into regional areas so that location is not an impediment to quality service.
- Deliver services which are independent and transparent.

The provision of \$1.5 million for the Higher Courts Technology Upgrade Project in the year under review was an important first step in enabling the Court to take advantage of technology in better serving the people of Queensland.

It endeavours to give practitioners direct access to comprehensive and up-to-date listing information and the capacity to make immediate and direct use of that information to match court resources to their client's needs by obtaining a trial date on-screen wherever they may be. It is intended to expand such facilities and extend them outside Brisbane.

It provided a valuable injection of funds to update outdated systems and infrastructure, to develop a platform from which to build upon the existing information technology resources within the courts and to commence providing basic computer support to all judges.

The value of these steps will, however, be lost if the funding momentum is not retained.

## Standard Operating Environment and Y2K

In the year under review considerable resources were devoted to ensuring that the court's information systems would not be affected by the much publicised "millennium bug". The Civil Information Management System (CIMS), Criminal Register System (CRS), Queensland Jury System and Court of Appeal Management System (CAMS) all underwent upgrades. Efficient planning minimised disruption and no major difficulties arose.

To prepare for Y2K the court implemented a standard operating environment (SOE). An SOE was introduced for both desktop and notebook machines and provided users with a consistent look and feel to the desktop and will also assist in future maintenance of machines.

## The Court webpage

The Supreme Court Library, an independent statutory body, has set up and maintained the court's webpage ([www.courts.qld.gov.au](http://www.courts.qld.gov.au)). The library is dealt with elsewhere in this report.

The court has an alliance with the commercial provider LawNow ([www.lawnow.com.au](http://www.lawnow.com.au)). LawNow contributes technical and other resources not otherwise available to the court allowing it to develop and implement applications founding improved services which the court would not be able to do from its own resources.

The Department of Justice and Attorney-General's technology branch supports the courts in-house technology staff in the provision and support of infrastructure upgrade and other activities.

The following up-to-date information is currently maintained on the court's webpage:-

- judgments delivered by the court within 24 hours of delivery;
- Supreme Court civil callover list – Brisbane. This is a list of the cases seeking trial dates;
- Supreme Court legal arrangements. This details the Trial Division judges' sitting arrangements for the Court of Appeal division, civil, criminal, applications (chambers) jurisdictions, all court centres and tribunals;
- sittings lists;
- daily law list – Brisbane. This shows the sitting allocation for the particular day;
- rules, forms, fees;
- practice directions;
- annual reports;
- statistical data;
- information about various aspects of the court's business for users of the court;
- reports and surveys conducted by the court in respect of issues such as issues of jury service, the effect of rule changes and the like;
- selected papers delivered by judges.

### **Electronic business**

As a consequence of alliance with LawNow civil jurisdiction cases in Brisbane can be set down electronically from any part of the State without the need for attendance at a callover. This involves completing and electronically lodging the form to be found at [www.lawnow.com.au](http://www.lawnow.com.au) utilising the callover and legal arrangements, previously mentioned, to identify available dates.

A system for the electronic set down of applications (the old chambers jurisdiction) has also been developed and will be implemented as soon as the resources are available.

LawNow, in conjunction with the court, has developed a court forum facility to be used for case management. Each case can be allocated a private on-line forum for the duration of the case management phase. This is intended to foster dialogue between practitioners, list managers and case management judges so that the necessity for review hearings is reduced and those which occur are more focussed and productive. Electronic documents such as draft orders can be posted and electronic mail exchanged. Attendance at court can be avoided and costs reduced. It is intended to implement this facility as soon as resources are available.

### **Judicial Computing Resources**

The lack of adequate computing resources for the judiciary has been an issue raised in previous annual reports. It is therefore heartening that this year saw the cabling of all

judges' chambers and the provision of substantial networking infrastructure to enable the judiciary to utilise the resources of the court's local area network and the internet.

Notebook computers have been provided to all judges and there is a keen interest amongst the judiciary in how technology can assist them both in the courtroom and in chambers.

A remote access solution is currently being installed utilising Citrix® Application Server Software to enable the judges to connect to the court's network securely from any location.

#### *Judicial Virtual Library (JVL)*

This initiative is dealt with in the section of the report dealing with the Supreme Court Library.

#### *Electronic Document Management*

This involves the electronic reproduction, origination and accessing of documents rather than reproducing multiple copies on paper.

Practitioners in supervised cases are being encouraged to consider this option at a early stage and to involve the List Manager so that compatibility is achieved.

The take up so far has been disappointing reflecting absence of the necessary hardware, software and skills by some practitioners, failure to address the issues at a sufficiently early stage and the issue becoming swept up in the adversarial process.

During the coming year it is intended to pilot an "electronic" trial using Ringtail™ Software. Ringtail™ is a multimedia electronic filing cabinet designed to integrate the main elements of the trial, including the transcript, both realtime and historical, electronic evidence and other information and to develop a practice direction.

The issues in respect of electronic filing are being identified with a view to addressing them in the coming year.

### **Courts Modernisation Project**

This project was referred to in last year's report. It involves implementing a comprehensive computerised criminal information and management system across the courts.

The first phase of the project, which involved a significant diversion of the court's resources in funds and staff from other developments has been implemented with significant opportunity cost and without any great advantage to the court.

It will be necessary for the court in the 2000-2001 year to examine the feasibility of the system replacing the CRS system as was intended and to identify and develop any advantages the project might offer the court.

### **Various Initiatives**

#### *Teleconferencing and document viewers*

Extensive use continues to be made of the telephone and polycom systems to receive evidence from witnesses without the need for them to attend at court and for receiving submissions from counsel.

Document viewers are increasingly used and contribute greatly to the efficient conduct of trial, especially with juries.

The equipment is upgraded and more widely provided as much as funding permits.

### *Sound Enhancement*

The Queensland Police Service digitally records records of interview onto compact discs. In the past, these CD's had to be transferred to audio tapes for playback in court resulting in a lowering of the quality sound reproduction. This year the court has provided every criminal courtroom with a compact disc player to ensure that the benefits of digital recording can be utilised effectively in the courtroom.

Infra-red headsets have been purchased and will be installed in two courtrooms to enable jurors to listen to evidence with more clarity and better sound definition, where it has been recorded in unfavourable environments.

### *Scenes of Crime*

The Queensland Police Service have developed a system to depict crime scenes which has been used in a number of trials. It involves the use of a sophisticated camera to take a series of photographs. A computer program is then used to arrange and access them with an ability to pan around and navigate the scene. The technology provides a three dimensional view and gives jurors a greater understanding of the crime scene than can be gained from viewing two dimensional photographs.

A courtroom has been equipped to make more effective use of this facility.

### *Videoconferencing*

The videoconferencing system which has been operating in Court 15 has been enhanced as part of a major upgrade to the court's infrastructure which saw the addition of videoconferencing to the Court of Appeal and the District Court.

The system has been used for evidence to be taken from witnesses in other parts of Queensland, Australia and other countries. It can be used to take evidence from protected witnesses and for displaying documents

### **Future Directions**

In addition to the matters already mentioned the 2000-2001 year will see work commence on the redevelopment of the Civil Information Management System. New functionality will be added to the system to support caseflow management and to enable the conduct of electronic business. This will, among other things, allow the court to track cases against timelines from their inception rather than from when a trial date is sought and to intervene if directions are not being complied with or satisfactory progress is not being made.

It is intended, subject to resources being available, to extend information and listing services to centres outside Brisbane.

List Managers will be encouraged and assisted to use the technology available to them to better manage their lists to the benefit of litigants, the legal profession and the court.

### **Conclusion**

The successful implementation of numerous new technologies within the court environment in the past year demonstrates that, with adequate funding the court itself can successfully develop, implement and manage major technology projects. Future funding in this area will ensure that the court can maintain and improve upon its technological resources in line with public expectations.



## Related Organisations

### State Reporting Bureau

The State Reporting Bureau provides a recording and transcription service, using computer-assisted transcription and audio recording for proceedings of the Supreme and District Courts, Magistrates Courts and the Queensland Industrial Relations Commission. In respect of the Supreme Court Trial Division, reporting services are provided in Brisbane, Cairns, Townsville and Rockhampton and the circuit centres of Mount Isa, Bundaberg, Longreach, Maryborough, Toowoomba and Roma. The Bureau also provides reporting services for the Mental Health Tribunal, Medical Assessment Tribunal, Industrial Court and Land Appeal Court.

The Bureau has introduced three portable Remote Recording and Transcription Systems (RRATS) which enable the Bureau to audio record court proceedings at a circuit courthouse and transfer that recording via the Integrated Digital Network (ISDN) for transcription at a Bureau regional operational centre. The transcript produced at the remote transcription centre is returned via electronic modem connection to the regional courthouse for printing, photocopying and distribution to the judge, counsel and other interested parties within two hours of the adjournment of the court that day.

The Bureau also offers real-time (CAT) reporting which enable the recording of proceedings simultaneously to be translated into text on computer screens in the courtroom, with the facility for judges and counsel to make annotations in the unedited electronic transcript.

The ability of the Trial Division Judges to take advantage of these and other advances will depend on their being provided with the resources and training to do so.

The Bureau's provision of an accurate and timely transcript of proceedings is critical to the Trial Division's capacity to carry out its work efficiently. Any reduction in the service provided by the Bureau will reduce the Trial Division's capacity to do so.

### The Supreme Court Library

#### Introduction

The year under review has been an exciting one for the Library, a year in which it fully realised its role as custodian of our legal heritage and gateway to digital information; acknowledging both its ties to the past and its links to the future. This dual role was demonstrated by the two most significant events of the year – the opening of the Rare Books Room and the implementation of the Library's new Information Management System. Though these projects were brought to fruition this year, they had their origins in the early nineties under the then Chair of the Library Committee.

The Rare Books Room provides a focus for the preservation and showcasing of our nationally significant rare books and legal memorabilia collection, and has led to the founding of the Queensland Supreme Court History Society. This society will provide a springboard for diverse activities such as the oral history project; publishing scholarly research; hosting lectures and seminars; curatorship of exhibitions and displays; and developing educational programs.

The new web-based Library Information Management System, *INNOPAC Millennium*, has broken down the walls of the Library by enabling hypertext links to websites and full-text materials to be included within the catalogue. With the new system, the Library can also provide access to its catalogue and services via the internet. Another web-based initiative was the design and establishment of the Judicial Virtual Library (JVL), a secure intranet for the use of the judges. Other services to judges have included training in basic computing, the use of Library databases, the internet, and e-mail.

These landmarks have encouraged the Library to consider 1999-2000 a turning point in its history, a period which will shape our direction in the coming decades.

### **Ties to the past...**

#### *Rare Books Room*

The Rare Books Room was officially opened on 11 February 2000 by His Excellency, the Governor of Queensland, Major General Peter Arnison AO. The inaugural oration was delivered by the Rt Hon Sir Harry Gibbs GCMG AC KBE. The occasion was marked by an exhibition exploring the origins of the Supreme Court of Queensland, focusing on its legal constitution, personnel and infrastructure; the first Chief Justice, the Hon Sir James Cockle; and the first resident judge, the Hon Justice Lutwyche.

The Rare Books Room, located in the public corridor outside the Banco Court, will provide an excellent venue to display the Library's rare books collection and other items of legal memorabilia. Accompanying free standing caskets house the donation of judicial robes and wigs from the family of the late Hon Jack Kelly CBE RFD.

Since the opening exhibition, biographical displays have been mounted to mark the retirement of the Hon TF Shepherdson QC, the Hon DK Derrington QC and the Hon AG Demack.

#### *Distinguished Visitors*

The Library was privileged to receive four distinguished visitors from Kuwait on 16 September 1999. The party, who were accompanied by the Hon Justice Williams, included Chief Justice Mohamed Yousef Al-Refai, Justice Abdulla A Al-Eisa, Justice Ahmed Musaed Al-Ajeel and Justice Jamal Hamad Al-Shamiri.

The Library was also delighted to show Judge Fumio Daizen of the Hiroshima High Court the Rare Books Room during his visit to the Courts in May 2000. The Judge, who was accompanied by the Hon Justice Wilson, was fascinated by the rare books and legal memorabilia collection.

#### *Queensland Supreme Court History Society*

The Queensland Supreme Court History Society has been established under the direction of the Supreme Court Library Committee to preserve and encourage interest in Queensland's legal heritage through the following activities:

- collecting papers and memorabilia of prominent legal personalities, together with period furniture, portraits and other items relating to Queensland legal history;
- developing educational programs for students and other visitors to the Courts;
- organising scholarly lectures, seminars, conferences and regular exhibitions featuring the Library's collection; and

- publishing brochures, newsletters and an annual yearbook.

The society will also support important archival activities such as the oral history project. Dr Michael White QC has interviewed the Hon Sir Walter Campbell AC and Rt Hon Sir Harry Gibbs GCMG AC KBE, and Ms Donna O'Reilly SC has interviewed the Hon Peter D Connolly QC CBE. The tapes of these interviews have been transcribed and converted to digital format along with photographs taken at the time of the interview.

#### *Important Donations*

The Library has received a valuable donation of diaries and notebooks belonging to the late Hon Robert J Douglas. This donation, made by Mrs Barbara Douglas, daughter-in-law of the judge, provides a detailed portrait of life at the bar and the bench in Townsville during the earlier part of the last century, and is of considerable importance as a primary resource for legal and social historical research.

The Clerk of the Parliament has donated copies of correspondence between the Hon Justice Lutwyche and various governmental bodies. This correspondence, dated between 1859-1862, relates to the powers of the Queensland Legislative Council and the Hon Justice Lutwyche's salary. The Library was delighted to add these to its collection of biographical material relating to Queensland judges.

The Library was also privileged to receive from the Hon PD Connolly QC CBE, a significant series of correspondence in relation to the Hon Sir Alan Mansfield KCMG KCVO KStJ and the Hon Sir Roslyn Philp KBE.

#### *Lucinda*

In April 2000, the Library was informed that it had successfully secured a \$90,000 grant from the Centenary of Federation Queensland Community Assistance Program, to build a replica of the *Lucinda* smoking room and an accompanying display area. Additional funding has been provided by the Grants Committee of the Queensland Law Society (\$20,000) and the Library hopes to attract contributions of \$50,000 from the profession. The Library will be providing assistance-in-kind to the value of approximately \$40,000.

The Queensland government steam yacht *Lucinda* is significant to our legal history because the initial draft of the Australian Constitution was written aboard her during Easter 1891 by a group which included Queenslanders the Rt Hon Sir Samuel Griffith PC GCMG and the Hon Andrew Thynne. The *Lucinda* display will be located in the public corridor which now houses the Rare Books Room and will include a life-size replica of the smoking room as well as interactive educational technology. The Library is compiling an inventory of original artefacts from the vessel, currently held in private and public collections which we hope will be loaned to the Library and housed in the replica.

#### **Links to the future...**

##### *Judicial Virtual Library (JVL)*

The Judicial Virtual Library, the first of its kind in Australia, was launched in May 2000. It is a secure intranet administered by the Library for the use of Supreme and District Court judges, and provides a single gateway through which the judiciary can quickly and easily access online information services from their desktop. Currently the JVL facilitates access to the web-based publications of Butterworths, LBC and LawNow, and features hypertext links to a variety of legal and non-legal websites from Australia and overseas.

One such site is *Arts and Letters Daily* which features abstracts of, and links to, a selection of intellectually stimulating full-text articles from leading international newspapers, magazines and journals. It offers a comprehensive index of links to 28 newspapers and news services, 58 quality journals dealing with 'cutting-edge' issues, 25 book review sites and 90 other miscellaneous services including reference utilities such as dictionaries and thesaurus.

#### *Internet Development*

The development of the Queensland Courts (<http://www.courts.qld.gov.au>) and Library (<http://www.sclqld.org.au>) websites continued this year with the introduction of new online services including: regional lawlists; Uniform Civil Procedure Bulletin; and full text online Queensland judgements. The Courts and Library sites have recorded approximately 353,000 and 51,000 visitors respectively this financial year.

#### *Replacement of Library Information Management System*

Following the selection of the new Library Information Management System, *INNOPAC*, in March 1999, the Library devoted considerable resources to its implementation throughout 1999-2000. Three staff were seconded to work on the project full-time for 10 months. In total, approximately 25,000 records were converted to the *INNOPAC* system, and the barcodes located on 84,000 serial items were manually scanned and entered into the catalogue. The entry of the remaining 7,000 serial items will be completed during 2000-2001. In addition, selected staff attended a total of three weeks training for the new system.

The *INNOPAC* system, including the acquisitions, cataloguing, serials and circulations modules, is now fully implemented and operational. The catalogue was made available via the internet in February 2000.

#### *Judicial Electronic Resource Training*

The Library conducted a series of electronic resource training seminars for the judges and their associates during March and April 2000 which provided an introduction to using e-mail, the internet and the Library's CD-ROM databases. Course books were prepared for each topic and these have now been published on the JVL. In total, 67 hours of training was conducted, and attendance numbers of judges and associates reached 85.

### **Reader Services Division**

The number of visitors to the Brisbane Library totalled 56,745 this financial year. The Library undertook 168 research projects, completed 3,370 fax and photocopy orders, and provided 3,572 loans to the Courts and profession. A knowledge database, developed to track the processes and resources utilised for major research projects, will be used to identify trends in research requests and to improve the effectiveness and efficiency of the service.

The Judicial Current Awareness Service circulated 541 articles, news clippings, speeches and Library newsletters. To ensure that the Current Awareness Service continued to be useful and cost-effective, the Library conducted a qualitative and quantitative survey during September 1999. The response, which was overwhelmingly positive, confirmed that the service was relevant and appreciated.

CD-ROM database facilities were unavailable for two months this year due to difficulties encountered following year 2000 compliance. It was found that the Library's existing CD-ROM network and dial-in facility required replacement. A CD-ROM caching server was

purchased enabling local access to the entire CD-ROM collection comprising approximately 78 databases. The Library is currently investigating, with Court Administration, an information technology solution which will facilitate remote access to the CD-ROM collection from the judges' chambers in Brisbane and regional centres.

In addition to these services, the Library expanded its commercial activities this year with the provision of catchwording and current awareness services to LawNow. These entrepreneurial activities generate a significant portion of the Library's income.

### **Technical Services Division**

During 1999-2000 the Library added 355 monographs and 19,673 individual serial issues (reports, legislation looseleaves, journals, papers, microfiche and CD-ROMs) to the collection. A total of 468 volumes were bound. A review of the serial collection was conducted with consideration being given to the increasing availability of information in electronic format. A number of subscriptions were consolidated, ensuring that information access is provided as effectively and efficiently as possible.

The Library received, processed and bound a total of 1,540 judgments from the Supreme and District Courts. The Library also continued to produce the following three commercial index publications in print and CD-ROM format: *Queensland Legal Indexes*; *Queensland District Court Judgments Indexes*; and *Court of Appeal Sentencing Service*. It also participated in a number of joint ventures with legal publishers.

A new Library Financial Management System, *Attache*, was implemented this year. It involved the migration of the payroll system from the old system, and the automation of the ledgers, cash receipt and cash payments books, sundry debtors and invoicing functions.

The annual stocktake was deferred this year as available resources were committed to the implementation of the new Information Management System and the Rare Books Room project.

### **Plans for 2000-2001**

#### *Replacement of Library Information Management System*

Following the completion of the initial phase of the *INNOPAC* implementation project, the Library will now undertake the second phase of the project which will be completed over the next two years. This involves the enhancement of the web-based catalogue, including:

- development of the catalogue's interface design and format;
- incorporation of hypertext links within the catalogue; and
- provision of additional content such as help pages, bulletin boards and resource guides.

#### *Services to the Judges*

Future development of services to the judges, including the JVL and electronic resource training, will be responsive to their needs. Proposed initiatives for the JVL include:

- provision of remote access for judges outside of the Law Courts Complex;
- streamlining and simplifying access to online legal publications;
- creation of a virtual 'bulletin board' for the use of judges;
- provision of a web-based, searchable current awareness service; and

- investigation of the feasibility of providing access to the Library's extensive CD-ROM collection via the JVL.

To enable training to be flexible and adaptable to the judges' needs, electronic resource training will be offered in chambers in 2000-2001. It will encompass the use of new products and services on the JVL, and the production of appropriate guides and manuals.

*Indexing Publications and Internet Development*

In 2000-2001 the Library will investigate the feasibility of :

- producing *Queensland Legal Indexes* in a web-based format; and
- increasing coverage of indexing services to include Industrial Magistrates decisions and Assessment of Costs (taxing decisions).

In addition, the Library will conduct a comprehensive design and content review of the Courts and Library websites. A key objective of this review will be the integration of the Library homepage within the Courts website.

**Conclusion**

The Library, as the primary information and research centre of the Courts, has been challenged to provide services which are meaningful and relevant in the digital era. This challenge has been met by looking towards the future with the provision of innovative electronic services while simultaneously acknowledging and celebrating the past through the curatorship of the rare books and legal memorabilia collection.



*Left to Right: Ian McEwan (Director, State Reporting Bureau), Bronwyn Jolly (Court Administrator), Ken Toogood (Registrar), Cameron Woods (Acting Deputy Court Administrator), Aladin Rahemtula (Supreme Court Librarian)*

# Appendix 1

## Supreme Court of Queensland

### Time goals for disposition of cases

*(Adopted by the Judges on 20 April 2000)*

Public confidence is integral to the effective operation of the justice system. That confidence depends on the provision of sufficient information about its operation. The purpose of this initiative on the part of the Judges is, through the provision of more comprehensive information, to provide a better foundation for reliable public assessment, on a regular basis, of the efficiency of the operation of the Supreme Court.

Timeliness is essential to the delivery of justice. Complaints of delay have for a long time been a focus of criticism of courts generally. To facilitate assessment of this Court's performance in that regard, time periods within which proceedings in the Supreme Court should efficiently be finalised will hereafter be publicised.

The "timelines" which can realistically be set depend on the resources, human and technological, available to the Court. It must also be appreciated that emergent circumstances, not reasonably foreseeable, will inevitably in some cases lead to overruns. So may the magnitude of the case, or the complexity of the issues. The performance of the Court against these following benchmarks should therefore be assessed in a realistic, and not unduly restrictive way.

How should appropriate timelines be set? The annually published Report on Government Services specifies the national average performance levels for Australian courts. Jurisdictions differ, but these provide at least a base from which to work in developing dispositional goals appropriate to this court. Those levels are however in the end only averages, and the Judges of this Court believe they can reasonably be expected to achieve better results – as they have generally done.

The Supreme Court of Queensland has in recent years performed well as against those national averages, with the exception only of civil proceedings from commencement in the court to the stage of readiness for trial. Once cases are ready for trial, trial dates can be allocated at a very early stage – within three to four months at the outside. Inadequate resources have limited the court's capacity actively to track and manage cases during the period from commencement to readiness for trial, to ensure they are expeditiously progressed. The Judges have for some time been advocating a system which actively monitors the progress of cases from their commencement in the court, with defaults being notified to the parties as they occur, and remedial directions given. But the court's current resources are not adequate to ensure this. Increased resources – human and technological, will we hope alleviate that inadequacy. The goal set in the following table by the Judges for the disposition of first instance civil proceedings assumes the necessary further resources will be provided forthwith, as should occur. If they are not, that goal will simply not be met, to the detriment of the litigating public.

The Judges reaffirm their protocol, adopted in May 1998, for the delivery of reserved judgments in all but exceptional cases within three months of the conclusion of the hearing.

The following table shows what are conventionally called dispositional goals, or timelines, or benchmarks. They have been set by the Judges, in this context and at this time. With increased resources it may in the future be practicable to set even more demanding goals. But for the moment, these are what is optimally, and practicably, achievable – save in civil to the point of readiness for trial, for the reasons already expressed.

The table also indicates aspects of the court’s performance since 1997, illustrating the general effectiveness of the court’s operation over those years.

The publication of the following goals is a further illustration of the wish of the Judges to facilitate a desirable level of active public accountability, and a better public understanding of the operation of the Supreme Court.

The extent to which the goals are met may be measured from statistics as to the court’s annual performance levels, which will be published in the court’s annual report and on this webpage.

<b>Court of Appeal</b>				
	<b>Benchmark</b>	<b>Supreme Court Performance 1997-1998</b>	<b>National Average 1997-1998</b>	<b>Supreme Court Performance 1998-1999</b>
<i>A. Criminal</i>				
< 6 months	90%	90%	60%	89%
6-12 months	8%	7%	28%	10%
> 12 months	2%	3%	12%	1%
<i>B. Civil</i>				
< 6 months	55%	36%	44%	56%
6-12 months	30%	41%	23%	32%
> 12 months	15%	23%	33%	12%
<b>Trial Division</b>				
	<b>Benchmark</b>	<b>Supreme Court Performance 1997-1998</b>	<b>National Average 1997-1998</b>	<b>Supreme Court Performance 1998-1999</b>
<i>A. Criminal</i>				
< 6 months	80%	79%	69%	81%
6-12 months	15%	15%	19%	14%
12 months	**5%	6%	12%	5%
<i>B. Civil</i>				
< 6 months	50%	35%	50%	+
6-12 months	13%	7%	13%	+
12-18 months	7%	8%	7%	+
> 18 months	**30%	50%	30%	+



**Note:**

1. The Court currently measures civil from readiness for trial to finalisation. Last year on that basis, 81% of matters were disposed of within 12 months, up from 65% in 1997-1998, and 59% in 1996-1997.
2. The "benchmarks" above relate to the period from initiation in the court to finalisation.
3. The Judges set a separate goal of 90% of civil cases proceeding to judgment in the Trial Division within 6 months of entry for trial. (This includes 3 months maximum ordinarily required for the preparation of any reserved judgment.)
4. \*\*Appeals (and possibly rehearings) will sometimes necessarily lead to some cases taking this long.
5. +Currently available statistics relate to the period from entry for trial, not commencement.
6. Trial Division civil performance data, and benchmarks, concern matters begun by claims (previously writs). Originating applications are usually disposed of within a much shorter timeframe. Current court resources are not sufficient to allow for the preparation of statistics on the time taken to dispose of originating applications.

## Appendix 2

### Practice Directions

Number	Description	Date Issued
22/99	Repeal/withdrawal of previous Practice Directions and Notifications [20 in total]	2 August, 1999
23/99	Rules 977 & 981 Court records (Uniform Civil Procedure Rules 1999)	5 August, 1999
24/99	Audience before judges – articulated clerks (Uniform Civil Procedure Rules 1999)	9 August, 1999.
25/99	Approval of newspaper for publication of notices - Rule 599(3) (Uniform Civil Procedure Rules 1999)	23 August, 1999
26/99	Procedure to be undertaken by parties participating in appeals and applications to the Court of Appeal	13 September, 1999
27/99	<i>Trans-Tasman Mutual Recognition (Qld) Act 1999</i> - Delegation to Registrar	14 September, 1999
28/99	Criminal Procedure: co-operation with Commonwealth law enforcement agencies	20 September, 1999
29/99	Exclusion of jurors' names from records in criminal appeals	22 September, 1999
30/99	Court holidays - (Uniform Civil Procedure Rules 1999)	4 November, 1999
31/99	Criminal Jurisdiction - remittal to District Court	30 November, 1999
32/99	Approval of newspaper for publication of notices (Uniform Civil Procedure Rules 1999)	14 December, 1999
33/99	<i>Property Law Act Sect. 289</i>	22 December, 1999
1/2000	Taking evidence by telephone	9 February, 2000
2/2000	Ex officio indictments	16 February, 2000

## Appendix 3

### JUST JUSTICE

#### “Perspectives” article for Courier-Mail

Chief Justice Paul de Jersey

15 February 2000

Confronting everybody who seeks justice inside the Supreme Court is “Themis”: female and ethnic – blindfolded and timeless, like justice. Justice, being so preciously “every day”, must not become banal – like any old well-worn pair of shoes pressing on no particular corns which we may discard when ready.

The Attorney-General’s public affirmation that merit is the relevant criterion for judicial appointment is reassuring. But because of continuing debate, it may be helpful to explore this further. What aggregation of qualities establishes “merit”?

Before thinking about that question we should consider the significance of the judiciary. The judges comprise the courts which maintain the rule of law so fundamental to our free and democratic society. The rule of law depends on common acceptance by all of the authority of the courts. As put by Sir Gerard Brennan, former Chief Justice of the High Court: “The rule of law in a free society can be maintained only if, in the event of dispute, it is accepted that curial judgments will prescribe the norm to which all parties will conform.” Public confidence in the judgments of the courts in turn depends on the existence of a competent and respected judiciary.

I consider a meritorious appointee to high judicial office in this State will exhibit these qualities: integrity, professional eminence, high intellect and legal learning, experience in and knowledge of the way litigation is conducted, capacity to analyse and articulate facts and legal propositions clearly, capacity to write clearly and concisely and to deliver reasoned judgments without delay, and ability to deal with emotional people and situations in a calm and rational way.

These necessary qualities aggregate to the highest professionalism. The extent to which one person, as against other possible candidates, demonstrates those qualities, must be the sole criterion for appointment. That is what is meant by appointment on merit.

Under the law of Queensland, to qualify for appointment as a judge, a person must be a barrister or solicitor. Judges have generally been chosen from the ranks of the Bar. The reason is that barristers are continually placed in a position where they must prove (or sometimes disprove) the existence of each of those qualities in a public way.

Barristers are required to write documents outlining their clients' cases and their factual and legal bases; they are required to examine and cross-examine witnesses in court, demonstrating their ability (or lack of it) to present the relevant, and only the relevant, facts to the court, and their ability (or lack of it) to deal with people under stress; they are required at the end of evidence to address the court on the factual and legal findings which the court should make, sometimes entirely orally but increasingly partly in writing and partly orally; and they are required to furnish opinions and oral advices to their clients on the legal consequences of given sets of facts. In all but the last of those, their performance is a public one critically scrutinized by their peer group (other barristers and solicitors) and judges before whom they appear. It is also scrutinized by the litigants and the news media. And in the writing of opinions, their approach is critically assessed by the solicitors to whom the opinion is given, often by other barristers who may be furnished with that opinion for comment or check opinion, and sometimes by judges before whom it may be tendered.

This is not to say that solicitors or legal academics should not be appointed as judges. Some such appointments have proved very effective. It is, however, more difficult to make an accurate advance assessment of the judicial potential of a solicitor or academic lawyer.

The legal profession and the Bar in particular are tendentiously portrayed as elitist. Citizens will nevertheless understand that these are forums in which persons without financial means or establishment backgrounds may nevertheless rightly achieve highly by dint of their own industry, intellect and talent. Success at the Bar comes from hard work and ability. Similarly the solicitors' branch of the profession is merit driven.

Certainly many successful barristers develop a connection with the so-called "big end of town". But that is inevitable: competent business people need the best legal advice and representation and seek it out. This must carry an implication of suitability for judicial office, not the converse.

The sharp focus of the most recent controversy is the appointment of women judges. While securing a court more reflective of the makeup of the community is, I believe, to be encouraged, that must not be done unless those appointed exhibit the above features. The goal is equal justice for all. While at 4 women judges of 24, the Supreme Court of Queensland currently has the highest representation of women of any State Supreme Court or the Federal Court, that is still obviously regrettably low. The court remains predominantly male. The reason for that is clear. Until recent times relatively few women pursued a career at the bar. Very few women obtained the professional experience and skills necessary for judicial appointment. That landscape will hopefully change.

## Appendix 4

### PROTOCOL - SUPREME COURT JUDGES' ASSOCIATE

*Adopted by the Judges - 11 February 1999*

*Amended by the Judges - 13 June 2000*

It is noted that Schedule H of the Judges' Entitlement Handbook deals with Associates and that the Judges have adopted a duty statement for Associates. That duty statement is attached.

#### 1. **General Principles Governing Appointment**

- 1.1 In selecting a person for appointment as an associate effect must be given the general principles governing public employment such as appointment on merit, equal opportunity and the avoidance of nepotism.
- 1.2 Save in exceptional circumstances (as, for example, for a brief period during a temporary vacancy in the office), the Associate selected by the Judge will be a law student or graduate in law and will not be a member of the Judge's own family.
- 1.3 Members of the Judge's family are not disqualified from appointment as the Associate of another Judge. However, a Judge considering such an appointment should decide to make it only where it is demonstrable that the candidate is amply qualified, such as his or her being an honours graduate or on track for honours.

#### 2. **Applications for the Position of Associate**

- 2.1 The Court Administrator, at least annually, will by letter to University Law Schools, by advertisement in a newspaper circulated throughout the State and on the Supreme Court website call generally for applications for the positions of Supreme Court Judges' Associates.
- 2.2 Application forms and job descriptions for the position of associate will be available to enquirers from the Court Administrator.
- 2.3 Applications should be submitted in writing either to the Court Administrator or to a particular Judge.
- 2.4 The Court Administrator will register and acknowledge receipt of applications noting those which request appointment to a particular Judge or a willingness to work in a particular region and notify the relevant Judge or Judges of those applications.
- 2.5 Applications forwarded to individual Judges may also be included in this central collection.

#### 3. **Selection of an Associate**

- 3.1 Should a Judge consider it desirable having regard to the quantity of applications received, the Court Administrator and a representative of the

Court (nominated by the Chief Justice) will make an initial assessment of the applicants. That assessment may involve interviews.

3.2 A prospective appointee will be interviewed by the Judge contemplating his or her appointment. The Judge may elect to have another person, such as the Judge's present associate, present at the interview.

3.3 The Judge will notify the Court Administrator of the person to be recommended to the Governor-in-Council for appointment as that Judge's associate and the Court Administrator will notify the Attorney-General of that recommendation.

4. **Duration of Appointment**

4.1 In the usual case appointments will be made for a term of one year which may be extended if the Judge is satisfied with the performance of the associate. Temporary appointments may be made for a period of less than three months to cover an unforeseen vacancy.

4.2 The appointment of an associate may be terminated by the Governor-in-Council on the recommendation of the Judge. An associate's appointment may be terminated by the Governor-in-Council accepting the associate's resignation or for other good reason.

5. **Position of Associates during Judge's Absence**

During absences on leave, a Judge should take responsible steps to ensure that the Associate's time at work is fully and efficiently occupied. As well as attending to the continued running of the Judge's chambers, a plan should be in place. The plan will require supervision of the Associate's work by another willing Judge designated for the purpose by the absent Judge (for example, in the Trial Division, the Senior Judge Administrator). It could allow for the Associate to work at times as an Associate in the District Court, or on designated research including the Library, or other projects and the like.

6. **Financial Matters**

6.1 Associates must not use frequent flyer points, if any, accruing them for official travel for private purposes. They may not claim points for official travel. If any points are nevertheless credited to them for official travel, they may not use them for private purposes.

6.2 Associates will not use or accept Government credit cards.

## DUTY STATEMENT FOR JUDGES' ASSOCIATES

*Adopted by Judges 11 February 1999*

*Amended by the Judges 13 June 2000*

### **Introduction**

1. Judges experience demands and restrictions peculiar to their office. These include:
  - (a) the need to project an appropriate public image in Court and elsewhere;
  - (b) some restriction of contact with the Government, the legal profession, the press and the public;
  - (c) responsibility for the disposition of difficult matters, sometimes on short notice;
  - (d) threats to personal and family security;
  - (e) decision-making having serious, often permanent and, occasionally, unpopular consequences; and
  - (f) irregular and sometimes extended working hours.
2. Each Judge needs as an assistant a person who understands those aspects of judicial life and has the personality and skill necessary to anticipate problems and to avoid or solve them, quickly and discreetly.

### **Role**

3. The Associate is responsible exclusively to the Judge. The role of the Associate is to act as a personal and confidential aide to the Judge, in and out of Court, in connection with the Judge's concerns.
4. Major aspects of the Associate's role are:
  - (a) liaison with Court staff, the legal profession, government departments, the press and the public;
  - (b) the effective and efficient conduct of the Judge's court. This includes ensuring availability of facilities, staff and reference books, the listing of matters, recording and safe custody of exhibits, custody of court files, attending the Judge in court and recording orders made;
  - (c) other formal duties in Court such as -
    - (i) in criminal proceedings, arraignments, swearing-in of jury keepers and taking verdicts; and
    - (ii) in chambers, maintaining records of the proceedings;
  - (d) the efficient conduct of the Judge's chambers, including maintenance of the library, attending to correspondence, maintenance of the Judge's diary, confidential filing and indexing and filing judgments;
  - (e) attending to travel arrangements and accounting for public moneys used in connection with circuits and travel;

- (f) accompanying the Judge when travelling on Court business;
- (g) research at the direction of the Judge;
- (h) aspects of security;
- (i) attending to other duties as directed by the Judge directed from time to time; and
- (j) availability at irregular times and for extended periods as necessary.

### **Qualities**

5. An Associate will usually possess the following qualities:
- (a) education and personal maturity sufficient to enable the Associate to converse confidently with persons occupying high office in professional and social settings;
  - (b) good communication skills, including an ability to write clear and correct English;
  - (c) discretion, confidentiality, tact, initiative and reliability;
  - (d) dignity in public, including a capacity to participate effectively in the formal Court process;
  - (e) a willingness to accept that the obligations of the position must always take precedence over personal commitments and to work irregular and extended hours;
  - (f) an enthusiasm for the whole job, including such things as assisting at Court social functions;
  - (g) an interest in the administration of law; and
  - (h) attitudes and a personality which enable the Associate to work harmoniously with the Judge.



## Appendix 5

### ORGANISATIONS WHICH USE THE LAW COURTS COMPLEX

- Australian Advocacy Institute Workshops
- Bar Practice Centre – Advocacy
- Centre for Maritime Law - University of Queensland
- Child Witness Support Volunteers, PACT
- Continuing Legal Education – Queensland Law Society
- District Court Judges Easter Seminar – Open to public
- Griffith University Law School – McCullough Robertson Senior Mooting Competition
- Legal Interpreters Exam Session – Southbank Institute of TAFE
- Mental Health Tribunal – Video Conferencing
- Queensland University of Technology – Bar Practice Centre
- TC Beirne School of Law – University of Queensland
- University of Queensland Law Society – Corrs Chambers Westgarth Moot Competition
- Victims of Crime Association of Queensland

## Appendix 6

Date	Name of School/Group	Numbers
9/7/99	Kilcoy State High School – Year 10	45
13/7/99	Somerville College – Year 11	25
13/7/99	Marist College Ashgrove – Year 10	20
13/7/99	Mt Gravatt District Alternative Education Programme - Year 9	7
20/7/99	Brisbane School of Distant Education - Year 9 & 10	30
20/7/99	Allora State High School - Year 11	20
21/7/99	Nudgee College - Year 11	60
22/7/99	Yeppoon State High School – Year 11 & 12 (Rockhampton)	50
23/7/99	Yeppoon State High School – Year 11 & 12 (Rockhampton)	50
27/7/99	Brisbane State High School – Year 11	50
28/7/99	Ipswich Grammar (Girls) – Year 11	48
30/7/99	North Point TAFE – Adults	20
30/7/99	Security Course – Adults	8
30/7/99	North Point TAFE – Adults	20
2/8/99	Lismore State High School N.S.W. – Year 10	30
3/8/99	Moreton Institute of TAFE – Adults	20
3/8/99	Lourdes Hill College – Year 12	15
4/8/99	Somerset College – Gold Coast – Year 11	25
4/8/99	Caloundra Christian College – Year 11	22
4/8/99	Kenmore South School – Year 7	30
5/8/99	Coombah State High School – Year 11	55
5/8/99	Tenterfield State High School New South Wales – Year 11	45
6/8/99	Maryborough State High School – Year 11	50
9/8/99	Brisbane State High School – Year 12	22
9/8/99	Cannon Hill Anglican College –Year 12	14
10/8/99	Marist College Ashgrove (a.m.) – Year 11	30
10/8/99	Marist College Ashgrove (p.m.) – Year 11	30
10/8/99	North Point Institute of TAFE – Adults	13
12/8/99	Shalom College Bundaberg – Year 12	50

Date	Name of School/Group	Numbers
13/8/99	Elanora State High School Gold Coast – Year 12	40
16/8/99	Brisbane State High School Year 12	22
16/8/99	Moreton Institute of TAFE – Adults	15
17/8/99	Mullumbimby State High School Year 11	35
18/8/99	Sunnybank State High School Year 7	60
19/8/99	The SCOTS Presbyterian Girls College Warwick – Year 11	25
20/8/99	Elanora State High School Gold Coast – Year 11	60
20/8/99	Whites Hill State High School – Year 11	13
20/8/99	Burnside State High School – Year 11	30
24/8/99	Mt Gravatt District Alternative Education Programme	6
24/8/99	TAFE College Gold Coast – Adults	40
25/8/99	Elanora State High School Gold Coast – Year 11	60
26/8/99	St Mary's College Maryborough – Year 11	23
27/8/99	QUT – Adults	20
31/8/99	James Nash College Gympie – Year 11	30
1/9/99	Q.T. Uni – Adults	40
2/9/99	Southbank TAFE – Adults (a.m.)	25
2/9/99	Southbank TAFE – Adults (p.m.)	25
3/9/99	Craigslea State High School Year 11	45
6/9/99	Mabel Park State High School – Year 9	30
7/9/99	Aspley State High School – Year 11	45
9/9/99	St William's Grovely – Year 7	58
13/9/99	North Point – St Peters – Year 11	15
13/9/99	The Gap State High School – Year 11	6
14/9/99	Emmaus College – Rockhampton – Year 11 and 12	40
14/9/99	Ferny Grove State High School – Year 11	30
16/9/99	RAAF Amberley – Adults	16
17/9/99	Southbank Institute of TAFE – Adults	35
17/9/99	Moreton Institute of TAFE – Adults	12
22/9/99	Brisbane Security School (Course) Adults	16
29/9/99	Sarina Russo Institute of Technology – Adults	10

Date	Name of School/Group	Numbers
4/10/99	Sunshine Cost Institute of TAFE – Adults	20
5/10/99	QUT – Adults	30
6/10/99	Lutheran College Gold Coast – Year 11	20
12/10/99	Brisbane State High – Year 12	22
12/10/99	Wynnum State High School – Year 12	20
13/10/99	Shorncliffe State High School – Year 10	32
13/10/99	Wynnum State High School – Year 12	20
15/10/99	Shafton House College – Adults	15
19/10/99	Lourdes Hill College – Year 11	10
19/10/99	Clifton State High School – Year 11	50
20/10/99	Qld Ambulance Service – Adults	10
20/10/99	Immanuel Lutheran College Maroochydore – Year 11 and 12	40
22/10/99	Enoggera State High School – Year 11	17
25/10/99	St Francis College – Year 9	31
25/10/99	Emmanuel College Gold Coast – Year 12	18
26/10/99	Marsden State High School – Year 11	50
26/10/99	Wynnum North State High School – Year 10	18
28/10/99	Albert State School – Year 7	35
28/10/99	East Coast College of English – Adults	10
1/11/99	Brigidine College – Year 11 and 12	20
2/11/99	St Xavier's Toowoomba – Year 11	19
3/11/99	St Paul's Bald Hills – Year 7	90
4/11/99	Elanora State High School Gold Coast – Year 11	60
4/11/99	East Coast College of English – Adults	8
5/11/99	QUT – Adults	7
10/11/99	Moreton Institute of TAFE – Adults	16
11/11/99	Gympie TAFE – Adults	15
16/11/99	Mt Gravatt District Alternative Education Programme – Year 9	15
23/11/99	Casino State High School NSW – Year 10	30
25/11/99	St Agatha's College Clayfield – Year 7	23
29/11/99	Nambour State High School – Year 11	20

Date	Name of School/Group	Numbers
3/12/99	Martin College – Adults	20
8/12/99	Security Institute Brisbane – Adults	15
16/12/99	New Zealand/China Exchange – Adults	20
19/1/2000	Qld Ambulance Service	14
21/1/2000	East Coast College of English	20
27/1/2000	QUT English Language Programme	16
10/2/2000	Dysart State High School – Year 11	23
11/2/2000	North Bundaberg State High School – Year 11	50
14/2/2000	Mueller College Rothwell – Year 11	20
14/2/2000	Browns Plains State High School – Year 11	40
15/2/2000	Anglican Church Grammar School – Year 11	30
15/2/2000	Muellar College – Year 11	19
16/2/2000	Camp Hill High School – Year 11	25
17/2/2000	The Glennie Memorial School, Toowoomba – Year 11	50
18/2/2000	Marist Brothers Ashgrove – Year 10	25
21/2/2000	Kooralbyn International School – Year 11	20
21/2/2000	Caboolture State High School – Year 11	39
22/2/2000	Redbank Plains State High School – Year 11	30
22/2/2000	North Pine Christian College	4
23/2/2000	Miami State High School Gold Coast – Year 11	50
24/2/2000	West Moreton College	18
24/2/2000	Coolum State High School – Year 11 and 12	50
25/2/2000	Bundaberg State High School – Year 11	50
25/2/2000	Kelly English College – Year 11	15
28/2/2000	Holland Park State High School – Year 11	20
28/2/2000	St Xavier's College, Toowoomba – Year 10 and 11	20
29/2/2000	North Pine Christian College	10
29/2/2000	Balmoral State High School – Year 11	12
29/2/2000	Mabel Park State High School	30
1/3/2000	Brisbane Boys College – Year 11	60
2/3/2000	Ipswich State High School – Year 11	30

Date	Name of School/Group	Numbers
2/3/2000	Springwood State High School – Year 11	20
3/3/2000	St Paul's Bald Hills – Year 11	40
6/3/2000	Windaroo Valley State High School – Year 11	60
7/3/2000	St Edmonds College Ipswich – Year 11	30
7/3/2000	Mount Maria College – Year 11	25
7/3/2000	Aspley State High School – Year 11	25
7/3/2000	Beenleigh State High School – Year 10	14
8/3/2000	Mountain Creek State High School (Sunshine Coast) – Year 11	50
9/3/2000	Robina State High School – Year 12	50
9/3/2000	Nerang State High School – Year 11	15
10/3/2000	North State High School Bundaberg North – Year 11	50
13/3/2000	Bray Park High School – Year 11	25
13/3/2000	Harvey Bay State High School – Year 11 and 12	40
14/3/2000	Mt Maria Senior College	25
14/3/2000	St Michael's College Gold Coast – Year 11	40
15/3/2000	Sommerville House – Year 11	30
15/3/2000	Fraser Coast Anglican College – Year 11	30
16/3/2000	Sommerville House – Year 11	30
16/3/2000	Kingston College	15
16/3/2000	Shalom College Bundaberg – Year 12	30
17/3/2000	Rosewood State High School – Year 11	25
17/3/2000	Yeronga State High School – Year 11	28
20/3/2000	Kenmore State High School – Year 12	40
20/3/2000	Ormiston College	20
21/3/2000	Urangan State High School – Year 11	33
22/3/2000	Kelvin Grove State High School – Year 11	40
23/3/2000	Alexandra Hills State High School – Year 11	38
23/3/2000	St Andrews College – Year 11	20
24/3/2000	Alexandra Hills State High School – Year 11	38
24/3/2000	St Joseph's College – Year 11	30
27/3/2000	St Mark's Girls – Year 11	25

Date	Name of School/Group	Numbers
27/3/2000	Forrest Lake College	25
27/3/2000	Gin Gin State High School and Isis District State High School	75
28/3/2000	Wellington Point State High School	40
28/3/2000	Mansfield State High School – Year 11	50
29/3/2000	Moreton Bay College – Year 11	38
29/3/2000	The Securities Institute of Australia	12
29/3/2000	Laidley State High School – Year 11	23
30/3/2000	Kingaroy State High School – Year 12	45
30/3/2000	Chisholm Catholic College – Year 11	15
30/3/2000	Mansfield State High School – Year 11	50
31/3/2000	Kingaroy State High School – Year 12	40
31/3/2000	Kennedy State School – Year 6 and 7	18
3/4/2000	Harrisville State High School – Year 11	20
3/4/2000	St Columban's College Caboolture	20
3/4/2000	St Michael's College	20
3/4/2000	Southbank Institute of TAFE	35
4/4/2000	Morayfield State High School – Year 11	50
4/4/2000	Merrimac State High School – Year 11	25
4/4/2000	St Ursula's College Toowoomba – Year 11	40
5/4/2000	Craigslea State High School – Year 11	27
5/4/2000	Emmanuel College Karara	24
6/4/2000	Brisbane State High School – Year 12	40
6/4/2000	Nerang State High School	18
6/4/2000	QUT	10
7/4/2000	Bribie Island State High School	50
10/4/2000	Indooroopilly State High School – Year 11	25
10/4/2000	Warwick State High School – Year 11	36
11/4/2000	Harrisville State High School – Year 11	20
11/4/2000	Westside Christian College	24
11/4/2000	Coorparoo State High School – Year 11	20
12/4/2000	Brisbane State High School – Year 12	50

Date	Name of School/Group	Numbers
12/4/2000	Wavell Heights State High School – Year 11	25
13/4/2000	Clontarf Beach State High School	50
13/4/2000	Brisbane Adventist College – Year 11	7
14/4/2000	Everton Park State High School – Year 11	40
17/4/2000	Maleny State High School Year 11	25
17/4/2000	Macgregor State High School Year 11	25
17/4/2000	Lockyer State High School Year 11 and 12	45
18/4/2000	Our Ladies College – Annerley	23
18/4/2000	Macgregor State High School	25
18/4/2000	Wynnum North State High School	10
19/4/2000	Redeemer College – Year 11	47
20/4/2000	Ithaca TAFE	15
27/4/2000	East Coast College of English	26
2/5/2000	St Mary's College Ipswich – Year 11	40
3/5/2000	St Francis' College – Year 12	50
3/5/2000	Ferny Grove State High School – Year 12	35
4/5/2000	Toowong State High School – Year 11	25
4/5/2000	Clayfield College – Year 11	22
4/5/2000	East Coast College of English	6
5/5/2000	Concostia College Toowoomba – Year 11	20
5/5/2000	Namea State High School – Year 11	18
5/5/2000	Corinda State High School – Year 11	20
5/5/2000	Lourdes Hill College – Year 12	10
8/5/2000	Park Ridge State High School – Year 11	25
8/5/2000	St Peter's Lutheran College – Year 11	25
9/5/2000	Centenary State High School – Year 11	40
10/5/2000	All Saints – Gold Coast – Year 11	40
10/5/2000	Gympie State High School – Year 12	35
11/5/2000	Beaudesert State High School – Year 11	15
11/5/2000	Corinda State High School – Year 11	23
15/5/2000	Corinda State High School – Year 11	23



Date	Name of School/Group	Numbers
15/5/2000	St James – Year 10 and 11	19
15/5/2000	St Paul's Lutheran College – Year 11	25
15/5/2000	Moreton Institute of TAFE	15
16/5/2000	Downlands College Toowoomba – Year 11	60
17/5/2000	Nanango State High School – Year 9	80
18/5/2000	Banyo State High School – Year 11	15
18/5/2000	Kedron State High School – Year 11	18
18/5/2000	Albany Creek State High School – Year 11 and 12	28
19/5/2000	Dakabin State High School – Year 11	35
19/5/2000	College of South West Queensland – Year 11	19
19/5/2000	Mansfield State High School – Year 11	20
22/5/2000	Cavendish Road State High School – Year 11	50
22/5/2000	St Peter's Lutheran College – Year 11	25
22/5/2000	Moreton Institute of TAFE – Adults	15
23/5/2000	Centenary State High School – Year 11	30
23/5/2000	Shailer Park State High School – Year 11	22
24/5/2000	Nudgee College – Year 11	50
24/5/2000	The Securities Institute of Australia – Adults	12
24/5/2000	Ferny Grove State High School – Year 12	35
25/5/2000	Marsden State High School – Year 11	60
26/5/2000	Albany Creek State High School – Year 11 and 12	23
26/5/2000	Hillcrest Christian College – Year 11	12
29/5/2000	Clairvaux MacKillop College – Year 11	55
30/5/2000	Holland Park State High School – Year 12	14
30/5/2000	Centenary State High School Year 11	30
31/5/2000	Holland Park State High School – Year 12	14
31/5/2000	Bundamba State High School – Year 11	20
1/6/2000	St Patricks College – Year 10 and 11	50
5/6/2000	Deception Bay State High School – Year 11 and 12	50
5/6/2000	Holland Park State High School – Year 12	12
5/6/2000	Southbank TAFE – Adults	15

<b>Date</b>	<b>Name of School/Group</b>	<b>Numbers</b>
6/6/2000	Wynnum State High School – Year 11	20
6/6/2000	Beenleigh State High School – Year 11	30
13/6/2000	Glenmore State High School Rockhampton – Year 11	40
14/6/2000	Glenmore State High School Rockhampton – Year 11	40
14/6/2000	St Laurence's College – Year 11	30
14/6/2000	Redcliffe State High School – Year 11	40
15/6/2000	Beenleigh State High School – Year 11	50
15/6/2000	St Laurence's College – Year 11	30
16/6/2000	Casino State High School – New South Wales – Year 10	45
16/6/2000	St Laurence's College – Year 11	30
19/6/2000	Lockyer State High School Gatton – Year 11 and 12	45
20/6/2000	Deception Bay State High School – Year 11	15
21/6/2000	Brigidine College – Year 11	17
21/6/2000	Sunnybank Hills State School – Year 7	30
22/6/2000	Sunnybank Hills State School – Year 7	60
23/6/2000	Brigidine College – Year 11	27
26/6/2000	Emerald State High School – Year 11 and 12	20
27/6/2000	St Peter Claver College – Year 11	40
28/6/2000	San Sisto College – Year 11	28
29/6/2000	Glenmore State High School – Year 11	50

## Appendix 7

### REGISTRARS OF THE NORTHERN SUPREME COURT

The office of Northern Judge and the Northern District of the Supreme Court were established in 1874. The seat of the Court upon its establishment was at Bowen, but in 1889 the Court moved to Townsville. The following is a list of persons who have been appointed to perform the duties of Registrar and Sheriff within the Northern District.

#### *BOWEN*

WILLIAM KER MACNISH	01.09.1874
FREDERICK JEPSON BOER	10.04.1876
JAMES STOCKWELL	26.06.1878

#### *TOWNSVILLE*

JOHN LOVE BLOOD– SMYTH	09.09.1889
THOMAS GEORGE FRASER	01.01.1896
CHARLES SYDNEY NORRIS	17.04.1899
JOHN PHILIP ALPHONSUS QUINN	08.02.1916
DAVID CAMPBELL	08.09.1917
JAMES COMERFORD	01.05.1918
HENRY GILLIES	23.03.1933
WILLIAM EDMOND RYAN	01.07.1934
JOHN SHANNON	18.02.1937
JAMES PATRICK O'CALLAGHAN	03.07.1952
HENRY ROBERT FITZPATRICK	21.01.1954
WILLIAM CHARLES BROOKS	23.08.1956
JOHN THOMAS MUNRO	19.03.1959
EDGAR PHILLIP LARACY	24.08.1967
ROBERT HORE	10.07.1969
RAYMOND JOSEPH KEANE	25.09.1975

## Appendix 8

### REGISTRARS OF THE CENTRAL SUPREME COURT

The following is a list of persons who have been appointed to perform the duties of Registrar and Sheriff within the Central District.

#### *ROCKHAMPTON*

JOHN LOVE BLOOD– SMYTH	01.01.1896
THOMAS GEORGE FRASER	24.04.1899
JOHN REID GAIR	01.12.1904
HENRY GILLIES (Acting)	15.11.1932
WILLIAM EDMOND RYAN	23.03.1933
JOHN SHANNON	01.07.1934
FRANCIS JOHN RUSSELL	18.02.1937
JAMES PATRICK O'CALLAGHAN	27.03.1947
HENRY ERROL CARR– BOYD	03.07.1952
CHARLES LESLIE CHRISTOPHERSON	21.01.1954
WILLIAM CHARLES BROOKS	22.09.1955
HENRY ROBERT DAVIS FITZPATRICK	23.08.1956
(Retired)	31.12.1969
ALLAN RAYNOR BATTS (Acting)	10.11.1969
THOMAS JAMES CARMICHAEL (Acting)	01.01.1970
THOMAS JAMES CARMICHAEL	26.03.1970
GORDON DENIS ROBERTS	23.09.1971

### REGISTRARS OF THE FAR NORTHERN SUPREME COURT

(Established 1 September, 1997)

#### *CAIRNS*

JOHN ERNEST BINGHAM	05.09.1997
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## Appendix 9

### SEMINARS

Legal Assistants Education Centre The New Uniform Civil Procedure Rules Carlton Crest, Brisbane	2 July 1999
Australian Plaintiff Lawyers Association Uniform Civil Procedure Rules Intensive Novotel Hotel, Brisbane	14 August 1999
QUT Legal Practice Course Uniform Civil Procedure Rules & Court Documents Brisbane	10 September 1999
Queensland Law Society: Continuing Legal Education Seminar on Uniform Civil Procedure Rules Court House, Townsville	23 September 1999
Queensland Law Society: Continuing Legal Education Seminar on Uniform Civil Procedure Rules Law Society House, Brisbane	28 September 1999
Trainee Solicitor's Orientation to Legal Practice Mercure Hotel, Brisbane	19 February 2000
CLE – Litigation Group – Crown Law, Brisbane	2 March 2000
Law Symposium 2000 – Queensland Law Society Gold Coast	4 March 2000
QUT Legal Practice Course Uniform Civil Procedure Rules and Court Documents Brisbane	10 March 2000
CLE – Solicitors Litigation Group Riverside, Brisbane	9 May 2000
Seminar – QUT – Brisbane	16 May 2000
Rules Conference – Federal Court – Sydney	20 May 2000